ROMANÆ HISTORIÆ ANTHOLOGIA

RECOGNITA ET AUCTA.

AN

ENGLISH EXPOSITION

Of the

ROMAN ANTIQUITIES:

Wherein many

ROMAN and ENGLISH-Offices are parallel'd, and divers obſcure Phraſes explain'd.

For the uſe of *Abingdon* School.

Newly Reviſed and Enlarged by the Author.

LONDON,
Printed by *J. C.* for *Peter Parker*, and are to be ſold at his Shop in *Popes-Head*-Ally, next to *Lombard-ſtreet*. 1671.

VIRO

COLENDISSIMO

D. JOHANNI YOUNG

SS. THEOLOGIÆ DOCTORI,

& Eccleſiæ WINTONIENSIS

Decano Ornatiſſimo.

Εὐδαιμονίσαλα διάγνε.

Vir Ornatiſſime,

NOn liberi quam libri pluribus exponi periculis ſolent, cum primum prodeant in lucem: utriſq; pariter opus eſt tutelari aliquo numine obſtetricante. Hoc olim ſenſit anthologia hæc noſtra primum edita: idem ſentit eadem in hodierna duarum ſectionum, & capitulorum aliquot ſuperfœtatione. Nacta igitur ſecundas ſuas cogitationes te ambit Patronum, qui facem aliquam mihi in his antiquitatibus obambulanti prætuliſti, & quem multum fuiſſe in ſtudiis meis promo-

 vendis,

vendis, palam, & sub dio prædico, videbis me aliquoties alium a doctissimis viris, & ab illorum sententiis alienum: Veritate enim præponderante, nullus apud me Plato, *nullus erit* Aristoteles, (*nolo ego istius modi vanam insuhire, utcunque splendidam, & autoritativam:*) *Cæterum tacitus hoc facio, & apud me, citra omnem velitationis pulverem, raro admodum quovis protracto in arenam, ne videar ex illorum numero, qui ex nuda pugna cum adversario aliquo eximio commissa, gloriolæ nescio quos fumos sibi pollicentur. Hæc scribendi ratio si tibi placeat, alios non moror, quibus si simplex veritas non arrisseret, cum magnis nominibus deviare per me licebit. Vale, & meas Musas, ut soleas, ama: illæ, quod jam facient, te colent semper, & omni obsequio prosequentur.* Datum Abingdoniæ 14 Calend. Decemb. Anno χριστιανας 1622.

Dignitati tuæ

multiplici nexû mancipatus,

THO. GODVVYN.

BENEVOLO LECTORI

Εὐριπίδης, Εὐριπίωι.

Miraris forsan & redarguis, quod nondum destitum ab his elementaribus; quasi vita mihi vitalis foret, in his minutiis integram meam ætatem eludere, & votum unicum in his prævis studiis senium contrahere. Qui sic sentis; nec me satis noris: nec ludi literarii (pone lenocinium nominis, moletrinæ dices,) iniquas leges, aut miserias quotidianas & omnigenas. Sentio ego me in pristinum damnatum, & cogita tu hanc Anthologia e pristino prodeuntem. Si minus placeat illud dabis puerorum circumstrepentium susurris, inter quos nata est: Si placeat, illud debes puerorum crebris interrogatiunculis, quarum enodationes, me vel invitum indies reducunt ad hæc studia, quæ alias jandudum jussissem suas sibi res habere. Sic me amet Theologia, sacratior mihi pagina in votis, cùm hæc in manibus, ludo cogente. Interim te monitum velim, quæ accessere, non vulgaria, aut obvia, nec quæ vulgus hominum, aut docuit aut didicit.

Vale.

A ſhort

TABLE ſhewing the Argument of every Book and Section.

Lib.

1. *Of the* Roman *City. Sect.*
   1. *Of the Chief parts thereof.*
   2. *Of the general Diviſions of the* Roman *People.*

2. *Of the* Roman *Religion. Sect.*
   1. *Of certain general Diviſions of their Gods.*
   2. *Of the* Roman *Prieſts, with ſome particular Gods; together with their Rites in Marriages and Burials.*
   3. *Of the* Roman *Games, which endeth with their manner of taking meat.*

3 *Of the State Political. Sect.*
   1. *Of their Aſſemblies called* Comitia; *which Section is begun with the* Roman *Year; concluded with two Chapters of the* Roman *Garments.*
   2. *Of their Civil Magiſtrates.*
   3. *Of their Civil Puniſhments.*
   4. *Of all thoſe Laws which I have obſerved to be touched in* Tully's *Orations.*

4. *Of the Art Military, as it was practiſed by the* Romans. *Cap.*
   1. *Of their maner obſerved in eſtabliſhing their Leagues.*
   2. *Of the* Roman *Legion, and the parts thereof.*
   3. *Of the maner of Beſieging a City.*
   4. *Of the puniſhments towards their Enemies Captivated.*
   5. *Of puniſhments towards the* Roman *Souldiers offending.*
   6. *Of certain rewards, after the performance of any Noble Exploits.*

THE

ROMAN ANTIQUITIES

Expounded in

ENGLISH.

LIB. I. SECT. I.

Of the Chief Parts of the City.

CAP. I.

De modo condendarum, delendarumq; Urbium.

BEfore we handle the Deſcription of the particular places in the *Roman* City, it will not be amiſs to premiſe ſomewhat concerning the ancient manner of building and razing Cities. In the Building of Cities, the Founders thereof did uſually conſult with their Gods in their *Augural* obſervations; and *a* this courſe was obſerved by *Romulus* himſelf, in the firſt Foundation of *Rome*: After their *Augural* obſervations, they

a M. Tullius l. 1. de divin.

they marked out the place where the Wall of the City should be built, by plowing up the ground: and because they left that place of ground unplowed, lightly lifting the plough over it, where they appointed the Gate of the City; thence *à portando*, from carrying and lifting the plough, they called the Gate *Porta*. This custom is fully described by *b Cato*: *Captato augurio, qui urbem novam condebat, tauro & vaccâ arabat: ubi arâsset, murum faciebat, ubi portam volebat esse, aratrum tollebat, & portam vocabat.* *Virgil* also alludeth unto it,

b M. Cato in fragm.

Interea Æneas urbem designat aratro.

The manner hereof was, that he who held the plough, did cast up the skirt of his gown on the right shoulder, and gird himself about, either because this was the usual habit of such who performed holy Rites, (in the number of which, this present action was reputed;) or that he might the more readily address himself to the business; or lastly, that he might symbolically by that pacifical habit intimate, that the flourishing estate of a City, is not so much preserved by war as by peace. Hence *Ovid. l. 4. Fastorum.*

Ipse tenens stivam, designat mœnia sulco,
Albaque taurorum candida colla tulit.

c Cœl. Rhod. ant. l. 26. c. 5.

The c like custom was used also in the razing or demolishing of Cities, when they had been vanquished by the enemies: which observation giveth light to that of *Horace, Lib. 1. Od. 16.*

Urbibus ultimæ
Stetêre causæ, cùm perirent
Funditus, imprimeretque muris
Hostilis aratrum exercitus insolens.

CAP. 2.

De Monte Palatino.

TOuching the name of *Rome*, from what occasion the City should be so denominated, divers Authors conceit diversly. d Some are of opinion, that this City was built long before *Æneas* came out of *Troy*, and was then called

d Vid. Aur. Constant. in Ovid. Fast. l. 1.

called by the Latines *Valentia*, which was a name of ſtrength; whence *Evander* coming into *Italy*, called it *Roma*, from ῥώμη, *Robur*. Others ſay, it was ſo called from *Aſcanius* his daughter, whoſe name was *Roma*. But it is agreed upon by moſt Writers, that the Founders were *Romulus* and *Remus*, and from *Romulus* it was called *Roma*, not *Romula*, becauſe the diminutive *Romula*, might ominate leſs proſperity thereunto. e Some ſay, that they built it in form of a Quadrangle upon one only Hill, called *Mons Palatinus*. f Others ſay, that *Fabius* left *Rome* as it was firſt built, with the fields thereof, painted in the form of a bowe, the River *Tiber* being the ſtring thereof. Upon this *Palatine* Hill, was always the Seat of the *Roman* Empire, which from the Hill took the denomination of a *Palace*: and hence all g ſtately Buildings which we call *Palaces*, took their name *Palatia*. This hill had his firſt appellation h *Balatinus*, *à Balando*, from the bellowing of cattel paſturing there in former times; and afterwards the firſt Letter being changed, it was called *Palatinus*, by the figure διϱιθοιχον. *Virgil* ſeemeth to be of opinion, that the Hill was called *Palatinus*, by *Evander*, in remembrance of his Grand-father; whoſe name was *Pallas*, according to that,

e Roſin. ant. l. 1. c. 2.
f Sig. de jur. Rom. l. 1. c. 2.
g Roſin. ant. l. 1. c. 4.
h Vid. Serv. in Æn. l. 8.

—— *Poſuere in montibus urbem,*
Pallantis proavi de nomine Palanteum. Virg. Æn. l. 8.

In proceſs of time ſix other hills by ſeveral Kings of *Rome* were added; whereby the City, and the *Pomœrium*, that is, the territories of the City were enlarged; and *Rome* called *Urbs ſepticolis*, i. e. the City upon ſeven Hills.

Sed quæ de ſeptem totum circumſpicit orbem
Montibus imperii Roma deumq; locus. Ovid. triſt. lib. 1. Eleg. 4.

Upon this *Palatine* Hill alſo ſtood the *Aſylum*, or Sanctuary of Refuge, which *Romulus* opened i in imitation of *Cadmus*, who at the building of *Thebes* was ſaid to have opened a Sanctuary of Refuge, whither whatſoever Malefactor

i Alex. Gen. dier. l. 3. c. 20. ubi plura lectione digna de Aſylis.

lefactor could eſcape, were he bond or free, he was not to be puniſhed. It was much like unto a Cuſtom of the people in the City of *Croton*, who flying unto the Altars of their gods, obtained the forgiveneſs of faults not voluntarily committed. Whence theſe two Phraſes are expounded alike, *Ad te tanquam ad Aſylum*, and, *Ad te tanquam ad Aram confugimus*, i.e. we flee unto thee as our only refuge.

CAP. 3.

De Monte Capitolino.

THis Hill was famous for three names: it was called *Capitolium*, *Mons Tarpeius*, and *Mons Saturni*. It was named *Saturn*'s Hill *k* from the Heatheniſh god *Saturn*, who vouchſafed to undertake the protection of that place. It was named the *Tarpeian* Hill, *l* from *Tarpeia* one of the Veſtal Nuns, Daughter to the chief Keeper of the Capitol, (this Hill being the Caſtle of Defence for the whole Town.) For this *Tarpeia* betrayed the Capitol into the enemies hands, bargaining to have the golden bracelets upon her enemies left hands, for this her Treaſon. Now the enemies when they were admitted in, did caſt not their bracelets alone, but their bucklers alſo upon her, through the weight whereof ſhe was preſſed to death: upon which occaſion the whole Hill was afterwards called, *The Tarpeian Mount*; but more principally a certain Rock of that Hill, called *Tarpeia rupes*, from whence Malefactors were ſundry times tumbled head-long. The ſame was likewiſe called the *Capitol*, becauſe when the foundation of a certain Temple, built in the Honor of *Jupiter*, was laid, a mans head, full freſh and lively, as if it had been lately buried, *m* yea, hot blood iſſuing out of it, was found there. *n Arnobius* ſaith, that the name of this man, being alive, was *Tolus*, and hence from *Caput* and *Tolus*, the whole Hill was called *Capitolium*.

1. *k* Roſin. ant. l. 1. c. 5

2. *l* Plutar. in Romulo.

3. *m* Dion. Halicar. l. 4. *n* Lipſ. de magnitud. Rom. c. 5.

CAP.

CAP. 4.

De Colle Quirinali.

THis Hill being in former time called *Agenalis*, then began to be called *Quirinalis*, when certain *Sabines*, called in Latine *Curetes*, came and inhabited there, (truce being made between the *Romans* and the *Sabines:*) though some would therefore have it named *Quirinalis*, becauſe there was a Temple erected in the Honor of *Romulus*, called alſo *Quirinus*. It was called in the time of the Emperors, *Mons Caballus*, that is, the Horſe-hill, taking its denomination from two Marble-Statues of *Alexander* taming his Horſe *Bucephalus:* which Statues *Conſtantine* the Emperor brought to *Rome*, and placed them in the midſt of certain Baths, which he made upon this Hill. There do appear in this Hill three riſings, or hillocks; the one being called *Salutaris*, the other *Martialis*, and the third *Latiaris*. All this may be collected out of *o Roſinus*.

o Ant. Rom. l. 2. c. 6.

CAP. 5.

De Monte Cœlio.

THis Hill hath his name from a certain *p* Captain of *Hetruria*, which aſſiſted *Romulus* againſt the *Sabines*. On this Hill, King *Tullus Hoſtilius* erected ſtately edifices, which for a time ſerved as his Palace: but afterward they became the chief Councel-houſe, whither *Senators* aſſembled themſelves, for the determining of State-matters: and becauſe this *Curia* did far exceed all others, therefore Authors many times uſe this word *q Curia* ſimply, without any adjunction, to ſignifie *Curiam Hoſtiliam*, as if there were no other. It much reſembleth our Privy-Councel-Chamber, in reſpect that none might ſit there but only *Senators*; whereas in the Court-Houſe which *Pompey* built (being therefore called *Curia Pompeia*)

p Alex. Gen. dier. l. 6. c. 11.

q Alex. Gen. dier. l. 1. c. 16.

Pompeia) r other City-Magiſtrates were admitted amongſt the *Senators:* and in *Curia Julia*, *id eſt*, the Court-houſe which *Julius* made, were examined ſ Forrein matters, as Embaſſages: but in *Curia Hoſtilia* domeſtical matters only were treated of, and that only by the *Senators*. t At this preſent time, this Hill is beautified with many Chriſtian Churches, as the Churches of St. *Stephen*, St. *Paul*, and St. *John*, our Saviours Hoſpital, *&c.* u It was alſo called *Mons Querculanus*, from the abundance of Okes growing there.

r Roſin. ant. l. 7 c. 5.

ſ Roſin ibid.

t Munſt. in ſua Coſmog. l. 2 c. 9.

u Alex. Gen. dier. l. 6. c. 11.

CAP. 6.

De Monte Eſquilino.

THis Hill was ſo named, *quaſi* x *ex excubinus*, *ab excubiis*, *id eſt*, from the night-watching which *Romulus* did undertake upon it, ſomewhat diſtruſting the fidelity of the *Sabines*, in the beginning of their League. In this Hill there were three Hillocks, named *Ciſpius*, *Oppius*, and *Septimius*.

x Roſin. ant. l. 1. c. 8.

CAP. 7.

De Monte Aventino.

THe *Aventine* Mount, took its name *a* from *Aventinus*, a certain King of *Albanum*, which was there buried. Upon this Hill ſtood *Hercules* his Altar, and certain Temples conſecrated to *Juno*, *Diana*, *Minerva*, *Lucina*, and *Murcia*, *id eſt*, *Venus*: whence the hill hath ſomtimes been called *Diana* her hill, and *mons Murcius*. Upon *b* this Mount, *Remus* would have built *Rome*, and therefore it was called *Remonius mons*: but ſince it hath been called *mons Rignarius*, as it appeareth by *Plutarch* in the ſame place. It had moreover the name of the *Holy mount*, being called in Latine *Mons ſacer*.

a Alex. Gen. dier. l. 6. c. 11.

b Plutar. in Romulo.

CAP

CAP. 8.

De Monte Viminali.

BEcauſe of the abundance of wicker twigs which did grow upon this hill, it was called *Mons Viminalis*, *vimen* ſignifying a Twig or Ozier. I am not ignorant that ſome would have this hill to be named *Viminalis*, from *Jupiter Viminеus*, whereas *Jupiter* himſelf was named *Viminеus* from this Hill, becauſe he had here many Altars erected in the Honor of him. Both this Hill and *Jupiter*, were called *Fagutales*, from *ſylva fagea*, *id eſt*, a cops of Beech-trees, which did grow thereupon. *Vid. Roſin. Antiq. lib.* 1. *cap.* 9.

CAP. 9.

De tribus collibus adjectis.

THree *c* other Hills there were, which in proceſs of time were added unto the City; which partly becauſe they were not included within the *Pomœrium* ſo ſoon as the other, but chiefly becauſe they were not of ſuch note, therefore *Rome* retained the name *Septi-collis*. The firſt of thoſe Hills was called *Collis Hortulorum*, *i.e.* the Hill of Gardens; ſo termed, becauſe of the many Gardens near adjoyning. *d* Here was the *Cirque*, or the ſhew-place of the ſtrumpet *Flora*, which made the people of *Rome* heir to thoſe goods which ſhe had gotten by proſtituting her body to young Gentlemen, leaving alſo a certain ſum of money to procure a celebration of her birth-day: which becauſe of her infamy, the people ſhaming to do, they feined her to be the Goddeſs of flowers, and that ſhe muſt be firſt appeaſed by ſports and plays, performed in the Honor of her, before the Trees and Fruits of the earth would proſper: *e* and that they might gain the better credit unto this their Fable, they add further, that ſhe was once called *Chloris*, & was married

c Roſin. ant. l. 1. c. 11.

d Bar. Lat. in Verrin. Orac. 7.

e Lactant. de fal. relig. l. 1. c. 20.

ried unto *Zephyrus*, from whom by way of dowry ſhe received power over the flowers. The ſecond was called *Janiculus*, from *Janus* that two-faced God: who, as Writers teſtifie, was there buried. It did lie beyond the River *Tiber*, and hath now changed its name, being called from the yellow ſands, *Mons Aureus*, and through negligence of the Printer, *Montorius*, *id eſt*, the Golden Mountain. The third was famous for the many Divinations and Propheſies uttered upon it, and thence was it named *Vaticanus*, from *Vaticinium*, a fore-telling. *f* It is at this time famous for a Library in it, called *Bibliotheca Vaticana*.

f Munſt. in ſua Coſmog. l. 2. c. 8.

CAP. 10.

De Foro Romano.

Forum hath divers acceptions: ſometimes it is taken for a place of Negotiation, or Merchandiſing, which we call a *Market-place*: and being taken in this ſence, it hath commonly ſome adjective joyned with it, as *Forum boarium*, the beaſt-market; *Forum piſcarium*, the fiſh-market; *Olitorium forum*, the Herb-market: other times it is taken for any place, whereſoever the Chief Governor of a Province doth convocate his people together, there to give judgment according to the courſe in Law: whence a man is ſaid, *Forum agere*, *g* when he keeps the *Aſſizes*; and *Forum indicere*, when he appointeth the place where the *Aſſizes* ſhall be kept. Thirdly, It is taken for a place where Controverſies in Law are judicially determined, and Orations are had unto the people. At firſt, of this ſort were only three, *Romanum*, *Julium*, and *Auguſtum*, as is clearly evidenced by that of *Martial*,

g Hubert. in Cic. l. 3. ep. fam. 6.

Atque erit in triplici par mihi nemo foro.

Afterward the number was increaſed to ſix diſtinct *Forums*. One called *Forum Julium*, becauſe it was built by *Julius Cæſar*. A ſecond was added by *Octavius Auguſtus*, called therefore *Auguſti Forum*. The third *Forum* was founded

founded by *Domitian* the *Emperor* : but by reaſon of his ſudden death, *Nerva* had the finiſhing thereof. It had the name of *Forum Tranſitorium*, the Tranſitory *Forum*, becauſe there was *Tranſitus*, *i.e.* a way or paſſage through it into three ſeveral Market-places. The ſame *Martial* called it ſometimes *b Forum Palladium*, becauſe in the middle thereof a Temple was erected in the Honor of *Minerva*. A fourth was added by the Emperor *Trajanus*, wherein was erected a ſtately Column or Pillar 140 cubits high, having all the noble exploits performed by *Trajanus* engraven in it : another was called *Saluſtii Forum*, becauſe *Saluſt* bought it with divers Gardens adjoyning, which ſince have been called *Horti Saluſtini*. The laſt *Forum*, which indeed was firſt built, and in all reſpects excelled the reſt, was called *Forum Romanum*, and *Forum vetus*, or by way of excellency, the *Forum*, as if there were no other *Forum* : where we muſt underſtand, that as often as *Forum* is uſed in this latter ſenſe, namely, for a pleading place, it is ſo uſed figuratively, by the figure Synecdoche : for in truth the pleading place, wherein Orations were had, was but one part of the *Forum Romanum*, namely, that *Chappel*, or great Building, which they called *Roſtra*. *i* Round about this *Forum Romanum*, were built certain Trades-mens ſhops, which they termed *Tabernæ*, and alſo other ſtately buildings, called *Baſilicæ Pauli*. Here was the *Comitium*, or Hall of Juſtice ; the *Roſtra*, *id eſt*, the Orators Pulpit ; *Saturns* Sanctuary, or the common Treaſure-houſe ; and *Caſtors* Temple : of all which in their order.

b Lipſius de magnitud. Rom. l. 3. c. 7.

i Hen. Salmuth in Pancirol. lib. rerum deperdit. cap. de Baſil. & Taber.

CAP. II.

De Baſilicis.

Baſilicæ were upper-buildings, of great ſtate and much coſt, being ſupported with *Pilæ*, *i.e.* flat-ſided Pillars ; and having underneath them walks, much reſembling our Cloyſters, ſaving that the *Intercolumnia*, or ſpace between

tween the Pillars lay open unto the very ground. That they were upper-buildings, may be collected by the Custome of many men, which were wont to walk under these Basilical Buildings, and therefore were called *Subbasilicani* by *Plautus*. The use of these were principally for the *k* Judges to sit in judgment: but in their absence it was lawful for Merchants to deal in their businesses. Those of chief note were three, thus named, *Pauli*, *Porcia*, and *Julia*.

k Sigon de judiciis, l. 1. c. 28.

CAP. 12.

De Comitiis.

Comitium l was a part of the *Forum Romanum*, being a great large Hall of Justice, which for long time was open at the top, having no covering; and for that reason the assemblies were often dissolved, in rainy or unseasonable weather. In it stood the *Tribunal*, being a place erected up on high, in form of our Pulpits, but many degrees larger, and in the midst thereof, the *Sella Curulis*, *id est*, the Ivory Chair, from whence the Chief Magistrate administred Justice; other Inferior Magistrates sitting on Benches on each side, which were called *Subsellia*, because they were lower than the Tribunal. Those which sate upon these Benches had power *cognoscere*, but not *pronunciare*; much like to our Justices at Assises, which may examine or inform against a Malefactor, but not condemn him. Where we may observe the difference between *Comitium*, signifying such an Edifice or Building; and *Comitia*, signifying the *Roman* Assemblies: both being called *à coeundo*. This Hall was many times called by the name of *Puteal Libonis*. The reason of which name is rendred thus by *m* some: That in this *Comitium*, *Attius Nevius* did once with a Razor cut in two a Whetstone, and in memory thereof, his Statue was erected, with a Hat upon his Head: for *Puteal* properly doth signifie the Cover of a Well, but in a large acception, it signi-

l Sigon. de jud. 1. c. 7.

m Cœl. Rhod. l. 10. c. 17.

ſignifieth a broad-brimmed Hat, as *Cœlius Rhodiginus* noteth in the ſame place. *n Cicero* toucheth this: *Cotem illam, & novaculam defoſſam in Comitio, ſupraque impoſitum Puteal accepimus.* But why it ſhould be called *Puteal Libonis*, is yet doubtful; except happily *Libo* was the firſt erector of this Statue. That it was a common Court, and known place of Juſtice, *Horace* witneſſeth: *Roſcius orabat, ſibi adeſſes ad puteal cras.*

n Cic. de divinat.

CAP. 13.

De Roſtris.

NExt to the *Comitium* ſtood the *Roſtra*, a goodly fair Edifice, in manner of the body of a Cathedral-Church: In it ſtood an Orators Pulpit, deckt and beautified with the ſtems of many Ships, which the *Romans* got from the people of *Antium*, in a memorable Battle upon the Sea: and *o* hence from thoſe Ship-Beaks, called in Latine *Roſtra*, hath this place taken its name. It may be Engliſhed, the great Oratory, or place of *Common-Plea.*

o Hubert. in Cic ep. lib. 8. ep. fam. 1.

CAP. 14.

De Templo Caſtoris.

ANother part of the *Forum* was a Sanctuary built in the Honor of *Caſtor* and *Pollux*: the reaſon thereof was, becauſe they appeared unto the *Romans* in the *Latine* War, in the likeneſs of two Angels ſent from Heaven to lead the *Roman* Army, and to aſſiſt the *Romans* againſt the *Latines*: who being vanquiſhed, they ſuddenly were departed out of the field, none knowing how: and even in the ſame moment they appeared upon their ſweating-Horſes unto the *Roman* Citizens in the *Forum*, who taking them for Souldiers, demanded what news they brought home from the Camp; they replied, that the *Romans* were Conquerors: which news being delivered, they ſuddenly vaniſhed, and were ſeen no more.

na's Temple ſtood. It was built by *Tarquinius Priſcus*, with divers Galleries round about it, from whence the Senators and Gentlemen of the City did behold the running with great Horſes at Liſts, the Fire-works, Tumbling, the Bayting and chaſing of wilde Beaſts, *&c.* In former time, all did ſtand on the ground, being ſheltred from the rain by the help of Boards upheld with forks, in manner of Houſe-pentices: and this cuſtom continued until the aforeſaid *Tarquinius* erected thoſe Galleries, called *Fori*, making thirty diſtinctions of them, allotting every Ward or Company their ſeveral quarters, all the ſeats being able to contain one hundred and fifty thouſand parties. *f* Under theſe places were Cels, or vaults, where women did proſtitute their bodies, and would buy ſtollen goods; and for this reaſon *Horace* calleth it, *Fallacem circum, i. e.* the deceitful Shew-place. There was at the one end of the Cirque certain barriers, *i. e.* places barr'd, or rail'd in, at which place the Horſes began the race: and at the other end was the mark, whither the Horſes ran: it was called in Latine *Meta*, and the Barriers *Carceres*, *à coercendo*. Whence we ſay, *à carceribus ad metam, i.e.* from the beginning to the ending.

f Roſin. ant. l. 5. c. 4.

CAP. 19.

De Theatro.

THe *Theatre* *g* hath his Name from the Greek Verb, Θεάομαι, *id eſt*, to behold: becauſe the people flocked thither, to behold Plays & Shews exhibited to them. The cuſtom *b* firſt ſprang from the Shepherds, who leading a contemplative life, were wont to compoſe Dialogues in Metre, and at their leaſure to recite them under the trees preſſed down in form of an Arbor; whence this Theatral term σκηνὴ hath bin deriv'd from σκιὰ a ſhadow, but afterwards learned Poets compoſed *Comedies* and *Tragedies*, which were publikely acted in the City upon a Stage: & though at firſt it was counted infamous to frequent them, yet afterwards the Senators themſelves, yea, the Emperor,

g Joach. Camerar. in orat. pro L. Flacco. *b* Serv. l. 2. Virg. Georg.

ror, and all the Chief of *Rome* assembled thither. *i* Neither for a long continuance were there any Seats built, but Commons and Nobles, promiscuously one with another, all stood on the ground: insomuch that those which stood behind, raised up places with turfs of Earth, which gave the people occasion to call the place between those turffs and the scaffold, *Cavea*, *id est*, a Cave or Den: yea, the people that stood there, were so called from the place. Though the Theatre be now taken only for the Stage, yet then by it was understood the whole Room, where these Plays were Acted: and it had divers parts, some proper to the Actors, some to the Spectators. To the Actors, first belonged the *Proscenium*, *id est*, the House whence the Players came: where they apparelled themselves; though sometimes it is taken for the Scaffold, or Stage it self. Secondly, the *Pulpitum*, *id est*, the Stage, or Scaffold upon which they Acted: and thirdly, the *Scena*, that is, the partition, which was commonly made of wood, not of hangings. Now that they might change their Scene, according to their pleasure, they made it *k Versatilem*, *id est*, so that with Engines it might upon the sudden be turned round, and so bring the Pictures of the other side into outward appearance: or otherwise *Ductilem*, *id est*, so that by drawing aside of some wainscot-shuttles (which before did hide the inward painting) a new Partition might seem to be put up: And I think, because those Shepherds did Act no more at a time, than one of our Scenes; hence have we distinguished our Plays into so many parts, which we call Scenes. The places which were proper to the Spectators, were distinguished according to their degree and Rank; for the remotest Benches were for the Commons, and called *Popularia*; the next for the Knights and Gentlemen of *Rome*, and called therefore *Equestria*; the others, wherein the Senators did sit, were commonly called *Orchestra*. This may be collected out of *l Lipsius*. m *Cæl. Rhodiginus* saith, that the *Orchestra* was that place joyning to

i Alex. Gen. dier. l. 5. c. 19.

k Servius l. 3. Virg. Georg.

l Lipsius de amphith. c. 1. *m* Cæl. Rh: l. 18. c. 8.

Market-place in a Litter so closed up with thick leather, that her mournings might not be heard to the moving of pity. She being thus brought to the place of Execution, was let down by a ladder into a hollow Cave, and the hole presently stopped. And the reason why they suffered such a kind of death, was, because they thought it not fit that she should be burnt with fire, which kept not the sacred fire with greater Sanctity: and it was thought unlawful to punish them by laying violent hands on them, because they had in former time served in so holy a function.

CAP. 17.

De Campo Martio.

THe *b Campus Martius*, otherwise called *Tiberinus* (because it was near the River *Tiber*) was given unto the *Roman* people, by *Caia Tarratia*, a Vestal Virgin; but *Tarquinius Superbus*, the last King of *Rome*, did take it from the people, converting it to his own private use, insomuch that he sowed Corn there; which, when he was deposed, the *Romans* did cast into the River *Tiber*, judging it unfit that any man should reap any commodity from so holy a ground. In process of time the sheaves of Corn being stopped in a shallow ford of the River, became firm ground, and was called, *The Holy Island*, or *Æsculapius his Island*; and presently after the expulsion of *Tarquinius*, this *Campus Martius* was restored unto its former use. Besides the natural pleasantness of the place it self, it was beautified with many ornaments brought out of the *Capitol* (the *Capitol* being too full) as likewise with divers Images of well-deserving men. Hither did the younger sort of *Romans* come to exercise Chivalry, namely, the Horse-race, the Foot-race, wrestling, fencing, casting the bowl, the sledge, the dart, using the sling, the bowe, vaulting, with such like; and upon this occasion it was dedicated to *Mars*, and called by *Strabo*, *The*

b Rosin. ant. l. 6. c. 11.

The Romans Great School of Defence. c The manner of vaulting, was, in riding, to leap from one Horſe-back upon another; their cuſtom being for their Horſemen in War, to lead a ſpare Horſe in their Hands, beſides that whereon they dide ride, that when the one did ſweat, they leaped upon the others back; *à deſiliendo*, thoſe Horſes were called *Equi deſultorii*: whence an unconſtant, wavering and unſetled minde, which *Seneca* calleth *Volaticum ingenium*, others have called *Deſultorium ingenium*. In this field were men of beſt Note burned when they died. Here were the Kings, and other Magiſtrates at firſt created. In this *d* field of *Mars*, alſo was a place at firſt railed, like a ſheep-pen, called therefore *Ovilia*, or *Septa*; but afterwards it was mounted with Marble-ſtone, beautified with ſtately Walks and Galleries, and alſo with a Tribunal or Seat of Juſtice; within which precinct the people oftentimes aſſembled, to give their ſuffrages toward the Election of Magiſtrates. The means of aſcending up unto theſe *Ovilia* was not by ſtairs, but by many Bridges made for that time; every Pariſh in the aſſembly of Pariſhes, and every Tribe or Ward in the aſſembly of the Tribes, and every Hundred in the aſſembly of Centuries, having his Bridge: whence this Proverb was occaſion'd, *De ponte dejiciendus*, *id eſt*, he is to be debarred from giving his Voice. *e* Theſe Bridges were not made over any River, but over the dry Land: whence men were ſaid to be caſt, *Non ut perirelitarentur de vita, ſed ne ſuffragarentur in Comitiis.*

c Cœl. Rhod. l. 21. c 29,30.

d Servius in Bucol. Ecl. 1.

e Ioan. Saxonius in Orat. pro S. Roſcio.

CAP. 18.

De Circo Maximo.

AMongſt other places where the *Romans* exhibited their Plays unto the People, the moſt remarkable was a great Cirque, or Shew-place, called in *Latine Circus Maximus*. It was a large piece of ground lying near that part of the *Aventine* Mount, where *Diana's*

Upon this occasion did *A. Posthumius*, being at that time *Dictator*, build a Temple in that place of the *Forum*, where they were seen in Honor of them both. Although in the after-Ages, it had the name only of *Castors* Temple. Whence arose the jest of *M. Bibulus*, against his fellow-Consul *Julius Cæsar*, saying, *p* it fared with him, as it did with *Pollux*, *i.e.* as this Temple which was erected in the honor of both the Brethren, carried the name only of *Castors* Temple; so the great expences in exhibiting shews in the time of their Consul-ship, though they were deeper on *Bibulus* his side, yet *Cæsar* carried away all the thanks and credit. In so much, that the people being wont to subscribe the names of both Consuls at the end of their Deeds and Charters, for a Remembrance of the Year; that Year they wrote, Such a thing done, not *Bibulus* and *Cæsar*, but *Julius* and *Cæsar* being Consuls.

p Suet. in Jul Cæs.

CAP. 15.

De Æde Saturni.

Saturns Sanctuary *q* was the Common Treasure-house wherein the Subsidic-Money which the Commons paid unto the Treasurers, called *Quæstores*, was to be laid up: whereof divers conjecture diversly. *Alexander Neop.* *r* saith, that *Saturn* found out the use of brazen Money; and therefore this Temple might be thought the fittest place for the Treasury. *Plutarch* thinketh rather that the making of the Treasury in that place, did allude to the integrity of time wherein *Saturn* reigned, being the Worlds Golden Age. *f* But the most received opinion is, the strength of the place, whereby it was the safer from Theeves. The Temple, by reason of the use it was put unto, was called *Ærarium*, from *æs*, *id est* Brass; which name now is common to all Treasure-houses; for that the first Money used by the *Romans* was of that metal, until the year of *Rome*, 485 (as *Pliny* wi

q Plutarch in Publicola.

r Alex. Genealogiæ. l. 4 c. 15.

f Alex. Genealogiæ. l. 2. c. 2.

witnesseth, *lib.3.cap.33.*) *t* Some are of opinion, that before the use of brass, they made mony of leather: whence *Numa Pompilius* is said to have given leather-money in a dole unto the people. Touching their order observed in the Treasury, we must understand that their care in providing against sudden dangers was such, that they laid aside the twentieth part of their receipts, which they *u* called *Aurum vicesimarium*, *Incensimarium*, and *Cimiliarchium*, into an inner-Chamber, or more sacred room, named in Latine *Ærarium sanctius*. *x* We may read also of a third Treasury, called *Ærarium militare*, wherein *Augustus* had appointed that the twentieth part of certain Legacies should be laid up, to defray charges in extraordinary Wars: where it lay so priviledged, that it was a Capital Crime to use any of it, but in extreme and desperate necessity. Notwithstanding, howsoever it was used as a Treasure-House; *x* yet divers Authors testifie that the Acts of their Senate, the Books of Records, together with such Books as were for their immeasurable bigness called *Libri Elephantini*, wherein all the names of their Citizens were registred, and also their Military Ensignes, were contained there. *y* And from those Statute-Books called *Tabulæ Publicæ*, this Treasury was also called *Tabularium*, because they were laid up there.

q Alex. Gen. dier. l. 4. c. 15.

u Alex. Gen. dier. l. 2. c. 2.

x Servius l. 2. Virg. Georg.

x Alex. Gen. dier. l. 2. c. 2.

y Plutarch in suis Problemat. vid. Franc. Sylvium in Catilinar. 4.

CAP. 16.

De Campo Scelerato.

Campus Sceleratus, the Field of Execution, *z* lying within the City, joyn'd to the Gate *Collatina*. It was the place where the Vestal Nuns, if they were deflowred, suffered punishment after this manner. There *a* was made a Vault under the Earth, with a hole left open above, whereby one might go down; and within there was a little couch with a burning Lamp, and a few Victuals, whither the defiled Votary was to be brought, through the

z Munster in sua Cosmog.

a Plutarch. in Numa.

to the Stage, where *Chorus* ſpake to the people at the end of every Act. Divers Authors are of *Cæl. Rhod.* his Opinion, deriving the word *Oreheſtra*, from the Greek ὀρχέομαι to dance; but it ſeemeth more probable to have been a peculiar place, allotted for the Senators: *Ju. Sat.* 3.

Æquales habitus illic ſimilemque videbis
Orcheſtram, & populum--id eſt, optimates & plebem.

The whole Building made for entainment of the Spectators, reſembled a Triangle or wedg, ſharp towards the Stage, and broad behind; whence the whole was denoted by the name *Cuneus*: when *Cuneus* ſignified any particular place about the Theatre, then by it we are to underſtand that which formerly we called *Popularia*, the place for the meaner ſort of people: *n* whence when we would point out a baſe and ignoble perſon, *Inter cuneos reſidere dicti tamus.* There was alſo another kind of ſcaffold, built quite round, made as it were of two Theatres joyn'd together, it was called *Amphitheatrum*, and differ'd from the Theatre, only as the full Moon doth from the half, or a compleat rundle from a ſemi-Circle; it *o* reſembled an Egg. Upon this kind of Scaffold did the Maſters of Defence play their Prizes, and wild Beaſts were baited. *p In Amphitheatro gladiatorii ludi, & concluſarum ferarum venationes exhibebantur.* The *Amphitheatre* it ſelf, in the judgment of *Lipſius q* was termed *Cavea, ab interiore parte quæ concava erat*; and *Arena*, becauſe it was ſtrewed with gravel and ſand, that the blood of ſuch as were ſlain in the place, might not make the place too ſlippery for the Combatants. Hence cometh that Phraſe, *In arenam deſcendere*, to go into the field; and the Combatants were thence called *Arenarii*. Here we muſt note, that howſoever the *Amphitheatre* was ſtrewed commonly with common and ordinary gravel, yet ſometimes in their extraordinary Shews that gravel was covered, and as it were new coated, with the ſcrapings and duſt of ſome extraordinary ſtones, to add the greater luſtre unto it: thus much *r Pliny* intimateth, *Invenere & alium*

n Cæl. Rhod. lib 8. c. 8.

o Turneb. adverſ. lib 5. c. 5.

p Hoſp. de orig. feſt.

q Lipſ. de Amphith. c. & 3.

r Plin. lib 36.

alium uſum ejus lapidis, in ramentis quoque Circum maximum ſternendi, ut ſi in commendatione & candor, &c. Again, ſometimes the hollow places or dens under the *Amphitheatre*, in which the wild beaſts were kept, and likewiſe men to be committed with wild beaſts, out of which theſe were let looſe by the lifting up of Trap-doors to be hunted or baited upon the *Amphitheatre*, were called *Cavea*. For we muſt know that the *Amphitheatre* was full of hollow paſſages for many reaſons, as for the convenient keeping of wilde beaſts and beaſtiaries, ſo ſometime for the better conveying of waters thither, by the means whereof (*ſ*) real Ships and Sea-skirmiſhes were often-times exhibited upon the *Amphitheatre*.

(*ſ*) Sueton. in Domitian.

CAP. 20.

MOreover, for the better underſtanding of Claſſical Authors, it will not be impertinent to point at the general names by which the Religious places were call'd, and to declare the proper acception of each name: the names being theſe, *Templum*, *Fanum*, *Delubrum*, *Ædes ſacræ*, *Pulvinar*, *Sacrarium*, *Lucus*, *Scrobiculus*, *Ara*, *Altare*, *Focus*.

De Templo.

This word *Templum* doth ſometimes ſignifie thoſe (*a*) ſpaces and regions in the Air and Earth, which the *Augures* did quarter out with their crooked ſtaff at their South-ſaying: ſometimes it doth ſignifie a Sepulchre or Grave, (*b*) becauſe in old time men did ſuperſtitiouſly pray and worſhip at the Tombs and Monuments of their deceaſed friends, as if it had been in *Temples* or *Churches*; and in this ſenſe may *Virgil* be underſtood,

(*c*) *Præterea fuit antiquo de marmore Templum*
Conjugis antiqui ——

(*a*) Roſin. ant. l. 2. c. 2.

(*b*) Lilius Gyrald. de diis gentil. ſyntag. 17.

(*c*) Lib. 4. Æneid. v. 457.

Moſt commonly it doth ſignifie a *Church*, or *Temple*; in which ſenſe as often as it is uſed, it is (*d*) ſaid *à templando*, from beholding; becauſe when we be in the Church, by lifting up our hearts by a divine contemplation, we do as it were behold the great Majeſty of God.

(*d*) Franc. Sylv. in orat. pro L. Muræn.

De Fano.

It is alſo called *Fanum à fando*, from ſpeaking; not from the ſpeaking of the Prieſt, but becauſe the people do there ſpeak unto God, and God again to the people. (*f*) Some are of opinion, that *Fanum* in propriety of ſpeech, ſignifieth the *Churchyard*, or court before the Temple; *Templum* ſignifieth the Edifice or Church built.

f Turneb. adver. *l.* 3. *c.* 9.

De Delubro.

Thirdly, a Church was called *Delubrum Synecdochicè*, becauſe it was the principal part of the Church, namely the place where the Idol-god ſtood; and it was called *Delubrum* from *Deus*; (*g*) as we call the place where the candle is put, *candelabrum* from *candela*. As concerning the outward form of the Churches, ſome were uncovered, becauſe they counted it an hainous matter to ſee thoſe Gods confin'd under a roof, whoſe doing good conſiſted in being abroad; other-ſome covered; ſome round, ſome otherwiſe; but within they much reſembled our great Churches. They had their *pronaon*, or *Church-porch*, whereabouts they were wont to have the Image of the beaſt *Sphynx*, which was ſo famous for his obſcure riddles; ſo that by this Image was ſignified, that the Oracles of the Gods, which were treated of within the Church, were dark and myſtical. They had certain walks on each ſide of the *body of the Church*, which they called *porticus*; and in theſe places it was lawful for them to merchandize, make bargains, or conſer of any worldly buſineſs; as likewiſe, in the *Baſilica*, or *Body* it ſelf. But their *Quire*, called *Chorus*, was counted a more holy place, ſet apart onely for Divine ſervice. The manner of hallowing it, was as followeth. (*h*) When the place where the Temple ſhould be built, had been appointed by the *Augures* (which appointing, or determining the place they called *Effari templa, & ſiſtere Fana*) then did the party, which formerly in time of need, upon condition of help from the Gods, had vowed a Temple, call together the *Aruſpices*, which ſhould direct him in what form

g Roſin. ant. *l.* 2. *c.* 9.

h Roſin. *ib.*

form the Temple ſhould be built; which being known, certain ribbands and fillets were drawn about the *area* or plot of ground, with Flowers and Garlands ſtrewed underneath, as it was probable, to diſtinguiſh the limits of this ground now to be hallowed. Then certain Souldiers marched in with boughs in their hands, and after followed Veſtal Nuns, leading young Boyes and Maids in their hands, who ſprinkled the place with holy water. After this followed the *Prætor*, ſome *Pontife* going before, who after the *area* had been purged by leading round about it a Sow, a Ram, and a Bull, ſacrificed them; and their entrails being laid upon a turf, the *Prætor* offered up prayers unto the Gods, that they would bleſs thoſe holy places, which good men intended to dedicate unto them. This being done, the *Prætor* touched certain ropes, wherewith a great ſtone, being the firſt of the foundation, was tyed; together with that, other chief Magiſtrates, Prieſts, and all ſorts of people did help to pluck that ſtone, and let it down into its place, caſting in wedges of gold and ſilver, which had never been purified, or tryed in the fire. Theſe ceremonies being ended, the *Aruſpex* pronounced with a loud voice, ſaying; *Ne temeretur opus, ſaxo aurove in aliud deſtinato; id eſt*, Let not this work be unhallowed, by converting this ſtone or gold into any other uſe.

De Æde ſacra.

Fourthly, a Church was called *Ædes ſacra*, an holy houſe, becauſe of the ſacrifices, prayers, and other holy exerciſes performed therein. Although (as *Gellius* hath long ſince obſerved) every holy houſe was not a Church. For the proper note of diſtinction between a Church and a Religious houſe was this, that a Church, beſide that it was dedicated unto ſome God, it was alſo hallowed by the *Augures*, without which hallowing the edifice was not called a Church, but a Religious houſe: of which ſort was the Veſtal Nunnery, and the common

Treaſury, called *Ædes Saturni*. We may add hereunto this word *Pulvinar*, (*i*) which doth often ſignifie a Church: the reaſon being taken from a cuſtom amongſt the *Painims*, who were wont in their Churches to make certain beds in honour of their Gods, and thoſe beds they called *Pulvinaria*, from *Pulvis*, becauſe they were fill'd with duſt or chaff.

i Barthol. Latomus in Philippic 4 *am.*

De Sacraria.

Sometime (*k*) *Sacrarium* ſignifieth a Temple, though properly it ſignifieth a Sextry or Veſtry, *nempe* (*l*) *Sacrorum repoſitorium.*

k Cic. pro Milone.
l Franc. Sylvius in orat. pro L. Muræn.

De Lucis.

Near unto divers Temples ſtood certain Groves dedicated to ſome of the Gods: they were called in Latine *Luci, à non lucendo*, as divers ſay, by the figure *Antiphraſis*. But others are of a contrary opinion, giving it that name, becauſe of the exceeding light it had in the night-time, by reaſon of the ſacrifices there burnt.

De Scrobiculo, Ara, & Altari.

The places upon which they ſacrificed either in their Religious houſes, or their Groves, were of three ſorts: which we in Engliſh term Altars: but the *Romans* diſtinguiſhed them by three ſeveral names, *Scrobiculus, Ara, & Altare.*

De Scrobiculo.

(*m*) *Scrobiculus* was a furrow, or pit containing an Altar in it, into which they poured down the bloud of the beaſt ſlain, together with milk, honey, and wine, when they ſacrificed to an infernal God.

m Alex. Genialier. *l.* 5. *c.* 16.

De Ara.

The ſecond kinde of Altar was called *Ara*, either *ab ardendo*, becauſe their ſacrifices were burned upon it; or from their imprecations uſed of that time: which in Greek they called ἀρᾶς. It was made four-ſquare, not very high from the ground, or as ſome ſay, cloſe to the ground: and upon this they ſacrificed unto the terreſtrial Gods, laying a turf of graſs on the Altar: and this

gave

gave *Virgil* occaſion to call them (*n*) *Aras gramineas*; *id eſt*, graſſie Altars.

n Vir. Æn. 12.

De Altari.

The third ſort was called *Altare*, either becauſe it was exalted, and lifted up ſomewhat high from the ground; or becauſe he that ſacrificed (by reaſon the Altar was ſo high) was conſtrained to lift up his hands *in altum*, on high: and upon this they ſacrificed unto their Cœleſtial Gods onely. (*o*)

o Serv. in Bucolic. eclog. 5.

De Foco.

Focus is a general name, ſignifying any of theſe Altars: ſo called *à fovendo*: becauſe, as *Servius* hath obſerved, that is *focus, quicquid fovit ignem, ſive ara ſit, ſive quicquid aliud in quo ignis fovetur.* But in ſtrict propriety of ſpeech, it is taken for that Altar, on which they ſacrificed to their domeſtick Gods, ſuch as were their *Penates* or *Lares*; as it appeareth by *Plautus*, (*p*)

p Aulular. act. 2. Sc. 5.

Hæc imponentur in focum noſtro Lari,
Ut fortunatas faciat gnata nuptias.

Whence ariſeth that Adage, *Pro aris & focis certare*, ſounding as much as to fight for the defence of Religion and ones private eſtate: or (as our Engliſh proverb is) for God and our Country: the proverb being in its original, part of the oath that was adminiſtred unto the *Roman* Souldiers; and thus it is expounded by (*q*) *Turnebus*.

q Turneb. adv. l. 10. c. 7.

LIB. I. SECT. II.

The general Diviſions of the ROMAN PEOPLE.

CAP. I.

De populo Romano, *& ejus primi diviſione.*

THus having premiſed a ſhort Treatiſe concerning the firſt ſcituation of *Rome*, and the moſt remarkable parts thereof, I purpoſe to proceed to the inhabitants, which Antiquity hath ſtyled Citizens of *Rome*. And *Eraſmus* rather deſcribing a *Roman* than defining him, ſaith, a *Roman* was grave in his converſation, ſevere in his judgement, conſtant in his purpoſe: Whence *Cicero* in his Epiſtles often uſed this phraſe, *more Romano*, for *ex animo*, *id eſt*, unfeignedly. (*a*) *Sigonius* rendring the definition of a *Roman* Citizen, averreth, that no man is *lege optima*, *id eſt*, in full and compleat manner a Citizen of *Rome*, but he which hath his habitation there, which is incorporated into a Tribe, and which is made capable of City-preferments. By the firſt particle, thoſe which they term *Municipes*; by the ſecond, thoſe which they call *Inquilini*; and by the third, thoſe which they call *Libertini*, are in a manner diſfranchiſed. But whereas *Sigonius* ſaith, that they muſt have their habitation at *Rome*, he would not be ſo underſtood, as if a *Roman* Citizen might not remove his habitation

(*a*) Sig. de jur. Rom. *l.* 1. *c.* 1.

habitation to any other Country: For, ſaith he, a *Roman* Citizen may be as long abſent from *Rome*, and the fields belonging to *Rome*, as he pleaſes, ſo that he ſuffer himſelf to be ſeſſed and taxed in common with others toward the ſubſidy-payments, and denyeth to be incorporate into another City. For *T. Pomponius* was a true Citizen of *Rome*, though he dwelt at *Athens*. The *Roman* Citizens being by theſe priviledges, as by a more proper and peculiar character, diſtinguiſhed from other people; and being planted in the City according to the appointment of *Romulus* their King, it ſeemed good unto him to divide them into *b) Tribes*, not taking the note of diſtinction only from the divers places they then inhabited, as we read that *Servius* the ſixth King of *Rome* did, making therefore four *Tribes* τοπικὰς, local, namely *Suburbanam*, *Palatinam*, *Collinam*, and *Eſquilinam*, (which number of local Tribes in proceſs of time increaſed unto the number of 35.) but dividing them according to their ſeveral Nations, which at the firſt were *donati Civitate*, *id eſt*, made free Denizens of *Rome*: and (they being in number three. 1. The *Sabines*, which were named *Tatienſes*, from their King *Tatius*. 2. The *Albanes*, called *Rhamnenſes*, from *Romulus*. 3. Other Nations, promiſcuouſly flocking out of other Countries to the Roman *Aſylum* placed in a Grove called in Latine *Lucus*, which gave *Romulus* an occaſion to name them *Luceres*:) he made in all three Tribes γενικὰς, or national. After that *Romulus* had thus divided the whole body of the *Romans* into three Tribes, he then ſubdivided each Tribe into ten leſſer numbers, which he called *Curiæ*, or Pariſhes: and then followed five other diviſions in reſpect of their different degrees and callings: of which in their ſeveral order.

b Sig. de jur. Rom. *l.*1.*c.*3.

CAP.

CAP. 2.

De primâ divisione Romanorum, in Senatores *sive Patres*, Patricios *sive Patronos*, & Plebeios *sive Clientes.*

THe first division of the *Romans* in respect of their degree and place, was this: The elder, wealthier, and gravest sort of *Romans*, were called sometimes *Patricii*, either because of their age or gravity; or because they had many children (for great priviledges were granted unto fathers of three children;) and sometimes *Patroni*, because they were as Patrons and Fathers in helping and assisting the causes of the common people seeking to them. The younger, poorer, and simpler sort were called, as they had relation to the *Patricii*, *Plebeii id est*, the Commons; as they had relation to their *Patroni*, they were named *Clientes*, *id est*, Clients: between whom (*c*) there was such a mutual and reciprocal intercourse of love and duty, that as the *Patrons* were ready to protect their Clients, so the *Clients* were bound with all faithfulness to cleave unto their Patrons: and that not onely to credit them with their attendance in publick Assemblies, but to disburse out of their own purses towards the bestowing of their daughters, the paying of publick mulcts, the giving of largesses in suing for offices, *&c.* Neither was it lawful for either of them to inform, to depose, to give their voices, or to side with adversaries one against another, without the guilt of treason; for which crime of treason they were *diis infernis devoti*, i. cursed to hell, and the law gave liberty for any man to kill them. Out of the *Patricii* did *Romulus* elect 100 Counsellors to assist him in determining matters concerning the Common-weal: to these did *Romulus* after add another 100. and *Tarquinius Priscus*, as divers Authors testifie, made them a compleat 300, which they called *Patres*, or *Senatores*, and their sons *Patricii*. But in process of time the

(*c*) Lazius de Repub Rom. *l.* 12. *c.* 3.

the Commons also were eligible into a Senators place. Some say, that *Tarquinius Priscus* added the second hundred to the *Senate* out of the Commons, who were called *d Senatores minorum Gentium, id est, Senators* of the lower house. *Brutus* added the last hundred, and made them 300. at what time they began to be called *Patres conscripti.* And this accordeth with *Johannes Rosa* in his Epitome to the *Roman* History, in his *Ch. de Regibus Romanis:* where he saith, that *Tarquinius Priscus* did double the number of the *Senators:* And likewise *e Alexander Neop.* saith, that *Brutus* made them compleat 300.

d Mert. Phlericus in Cic. l. 1. ep. fam. 1.

e Alex. Gen. dier. l. 1. c. 2.

CAP. 3.

De secundâ divisione Romanorum in tres ordines; Senatorium, Equestrem, Popularem, *seu Plebeium.*

AFter that through *Tarquinius Superbus* his Tyranny, the very name of a King became odious to the *Romans*, not only the present King was exiled, but the Authority of a King ever afterward detested and perpetually abrogated; so that the Office which was before Monarchical, then was divided between two, called *Consuls:* Neither were they admitted for any longer space than one year. At which time of change the *Romans* were divided into three orders or Ranges. 1. Into *Senators*, of whom before. 2. Into *Gentlemen*, called of the *Romans*, *Ordo Equestris:* by which we do not understand those 300 *Celeres*, *id est*, Pensioners, called sometimes *Equites*, for that was a place of service, this a title and token of gentility; who although they were inferior to the chief Senate, yet they were of great esteem among the *Romans*; and although they might not wear the same Robe as the Senators did, namely the *Laticlavium*, or garment bestudded with flourishings of purple silk in manner of broad nails-heads: *f* yet they might wear the *Augusticlavium*, a garment different from the former

f Rosin. ant. l. 1. c. 17.

only in this, because the purple studs wherewith it was purfled, was narrow, and not so large as the *Laticlavium*. They also at the time of their Election received from the *Censors* a horse called by them *Equus publicus*, because of the yearly allowance out of the common treasury to keep him; it was also called *Equus militaris*, because of their service in war *g* (they having their Horses kept as well in peace as war.) They received also a Gold Ring, *h* whereby they were distinguished from the populacie: for it was not lawful for any to wear a Gold Ring under the degree of a Senator, or Gentleman. The estimation and value of a Senators estate *i* until *Augustus* his time, was *octingenta sestertia*, that is, 6000 *l.* *k* of a Gentlemans estate it was, *quadringenta sestertia, id est*, of our English money 3000 *l.* The third order or degree in the *Roman* Common-wealth, was *Populus*, the Populacy, or *Commons*, which should exercise trading, manure the ground, look unto the cattel, *&c.* Where by the way we must understand, that the baser sort of the *Romans* which did wander up and down to and fro, not setling themselves to any vocation, were not contained within this division; for unto them there was no name vouchsafed, but according to the Poet, they were *sine nomine turba*, or as *Livy* saith, *ignota capita*, men of no account, and therefore of no name.

g Lipsius de mignitud. Rom. l. 1. dial. 5.
h Alex. Gen. dier. l. 2. c. 29.
i Suet. in August.
k Plin. lib. 33. c. 22.

CAP. 4.

De tertiâ divisione in Nobiles, Novos & Ignobiles.

THis division was taken from the right or priviledge of having Images; for they were accounted Noblemen, which had the Image of their Predecessors: Those which had their own Images only, were called *Novi*, that is, late quoined Nobles or upstarts. *Salust* useth this word often in the disgrace of *Tully*, calling him *Novum & reptitium civem*, one that lately crept into the City. The third sort, called *Ignobiles*, were those that had no Images, neither

neither of their Predeceſſors, nor of themſelves. Before we proceed, we muſt underſtand, that it was not lawful for who would to have his own Image if he ſo deſired; for none might be thus priviledged but thoſe alone, to whom the right of riding in a Curule chair belonged; and to theſe the right of Images was permitted, as well for the credit of their houſe, as to incite others to the like atchievements, when they would conſider the divers ceremonies uſed unto theſe Images in an honorable remembrance of thoſe whom they they did repreſent. Whence it followeth, that *Jus Nobilitatis* is nothing elſe but *Jus Imaginis*: Inſomuch that this word *l Imago* doth ſometimes ſignifie Nobility, and the right of having Images with them, was the ſame as the right of having Arms with us. *m* The Superſtitious conceit which the *Romans* had of theſe Images was ſuch, that upon feſtival days, and all occaſions of joy and mirth, thoſe Images ſhould be beautified and adorned with garlands and flowers: upon occaſion of griefand mourning, they would take from them all their ornaments, making them in a manner partake of their mourning. Some they kept in private Cloſets, *n* others they expoſed to the publick view of paſſengers, placing them in the gates of their houſes, together with the Swords, Targets, Helmets, Ship-beaks, and ſuch other ſpoyls as formerly they had taken from their enemies; *o* which it was not lawful for any, though they bought the houſe, ſo much as to deface. Yea, they were ſo annexed to the freehold, that they paſſed alwayes in the conveyance of the houſe. The matter of which they were commonly made, was Wax, as that of *Juvenal* doth ſufficiently witneſs,

l Sig de jur. Rom. l. 2. c. 22

m Alex. Gen. dier. l. 5. c. 24.

n Barth. Lat. in Verrin 7.

o Plin. 25. 1.

p *Tota licet veteres exornent undiq; cerâ*
Atria, nobilitas ſola eſt atq; unica virtus.

p Juv, Sat. 8.

Again, we may not think, that they made in wax a compleat ſtatue, or of a full portraiture of the whole body, but only from the ſhoulders upward.

CAP. 5.

De quartâ divisione Romanorum in Optimates *&* Populares.

THis fourth division of the *Romans* hath been occasioned through the faction and siding of the Citizens. Those (according to the description of [q] *Tully*) were *Optimates*, *id est*, the best Citizens, who desired their actions might be liked and approved by the better sort: Those *Populares*, *id est*, popular, who through desire of vain-glory, would not consider so much what was most right, as what should be most pleasing unto the populacy: So that here by this word *Popular*, we understand not the commons, as formerly we did, (r) but be he Senator, Gentleman, or inferior, if he do more desire that which shall be applauded by the major part, than that which shall be approved by the better part, him the *Romans* called *Popular*, *id est*, such a one, that preferreth the popular applause before the right.

q Cic. pro Sextio.

r Geor. Merula in orat. pro Ligario.

CAP. 6.

De quintâ & ultimâ divisione Romanorum, in Libertos, Libertinos, *&* Ingenuos: *Item de* Manumissione.

THe difference of the freedoms in the City of *Rome*, hath given occasion of this division: for he or she that had served as an *Apprentice*, and afterward was manumised, was named *Libertus*, or *Liberta*. The son whose father and mother were once Apprentices, was called *Libertinus*; but that son whose father and mother were both *Libertines*, or both free-born, (*s*) yea whose mother onely was free, was called *Ingenuus*, *id est*, free-born. But after *Appius Cæcus* his Censorship, then began *Liberti* and *Libertini* to signifie one and the same degree of freedom: so that *Liberti* and *Libertini* were taken for those which served

s Justin. inst. l. 1. tit. de ingenuis, vid. Franc. Sylv. in Catilin. 4.

ſerved for their freedom; and *Ingenui*, were taken for thoſe which were free-born, whether their Parents were *Liberti*, or *Libertini*. Here is occaſion given us to conſider the manner of their freedom, and ſuch ceremonies which belonged thereunto. The freedom of the City of *Rome* was three ways obtained; 1. By *Birth*, both, or at leaſt one of the parents being free; and ſuch were called *Cives originarii*. 2. By *Gift* and *co-optation*, when the freedom was beſtowed on any ſtranger, or Nation; and they were termed *Civitate donati*: and ſo we read that *Cæſar* took in whole Nations into the freedom. Laſtly, by *Manumiſſion*, which was thus: when as the ſervant was preſented by his Maſter before the *Conſul* or *Prætor*, the Maſter laying his hand upon his ſervants head, uſed this form of words, *Hunc liberum eſſe volo*; and with that turning his ſervant round, and giving him a cuff on the ear, he did *emittere ſervum è manu*: the *Prætor* then laying a certain wand or rod called (*t*) *Vindicta* upon the ſervants head, replyed in this manner, *Dico eum liberum eſſe more Quiritum*. Then the *Lictor* or Sergeant taking the wand, did ſtrike therewith the ſervant on the head, and with his hand-ſtruck him on the face, and gave him a puſh on the back, and after this he was regiſtred for a free-man. Moreover, the ſervant having his head ſhaven purpoſely at that time, received a Cap as a token of liberty; whence *ad pileum vocare aliquem*, is to ſet one at liberty, as likewiſe *Vindicta liberare*. (*u*) According to *Tertullian*, at this time of their Manumiſſion the ſervants received from their Maſters a white garment, a Gold ring, and a new name added unto their former. Whoſe authority if we admit, then the having of three names among the *Romans* was rather a ſigne of *Freedom*, than of *Nobility*. And that of *Juvenal*,

Tanquam habeas tria nomina ——

is not to be expounded, *as if you were a nobleman*, but, *as if you were a freeman*. Here we may alſo conſider the two ſeveral kinds of ſervants; the firſt were called *ſervi*, and

(*t*) P. Ramus in orat. pro C. Rabirio.

(*u*) Tert de reſur. carn.

and they could never attain to any freedom, without the consent of their master. x For those that were thus *servi*, were commonly captives, either bestowed as a reward upon this or that Souldier, or bought *sub corona*, or of other Citizens that had gotten them one of these two former wayes. The second were called properly y *nexi & addicti*, because though they were free, yet by reason of their debt, *addicebantur*, that is, they were delivered up unto their Creditors by the *Prætor* to work out the debt, so that after the payment thereof, either by money or work, they did recover their liberty; whence they were said z *nomina sua liberare*, when they paid the debt; as on the contrary they were said *nomina facere*, when they became in debt. And their creditors when they sued for the payment, were said *nomina exigere*: *nomen* in these and the like places signifying as much as *debitum* a debt, a because their creditors did use to write down their debtors names. b The manner of suing for their debts was as it followeth; The debt being confessed, thirty days were allowed the debtor for the payment of the money (those days of respite they called *dies justos*, *velut justitium quoddam*, id est, *juris inter eos interstitionem & cessationem.*) The money not paid, the debtor was delivered up as a servant to his creditor; yea, he was sometimes cast into prison; and unless the creditor were in the mean time compounded with, he remained threescore days in prison; and three Market-days one after the other being brought before the Judge, the debt was solemnly proclaimed, and upon the third Market-day he was either sold to forcigners for a slave, or else was punished with death, each creditor being suffered, if he would, to cut a piece of his dead body in stead of payment.

x Dion. Halicar. l. 4.

y Sig. de jur. Rom. l. 1. c. 31.

z Mic. Toxita in orat. pro P. Quintio.

a Fr. Syl. in ep. virorum illust. l. 1. ep. 6.

b Vid. Cœl. Rhod. l. 12. c. 20. It. A Gel. l. 2. c. 21.

LIB.

LIB. II. SECT. I.

The general Diviſions of the ROMAN GODS.

CAP. 1.

De Diis.

THough Satan had much blinded the hearts of men in old time, yet was not the darkneſs of their underſtanding ſo great, but that they did eaſily perceive, and therefore willingly acknowledge, that there was ſome Supreme Governour, ſome firſt Mover, as *Ariſtotle* ſaith, ſome firſt Original of all goodneſs, as *Plato* teacheth. So that if any made this queſtion, Whether there were any God or no? he ſhould be urged to confeſs the truth of that, rather *Argumento bacillino, quàm Ariſtotelico*, rather with a good cudgel, than with any long diſpute. But as they were moſt certain that there was a God, ſo were they again very blind in diſcerning the true God: and hence hath been invented ſuch a tedious Catalogue of Gods, that (as *Varro* averreth) their number hath exceeded thirty thouſand, and proved almoſt numberleſs. Wherefore I ſhall omit to make any diſtinct Treatiſe of the Gods, intending *obiter* and by the way to ſpeak of them, which either

either had Priests, or Sacrifices instituted for them. Only I purpose to shew what is understood by those general distinctions of the Gods which divers Authors have used. *Iul. lib. 2. de legibus*, reduceth all unto three heads; Gods celestial, which *Varro* calleth select; and others have stiled Gods *Majorum Gentium*, *i. e.* of the greater nations, because their power was greater than the others.

a Alex. Gen. dier. l. 6. c. 6.

a Alexander Neapolitanus saith, that twelve of these were the *Penates* which *Æneas* did take forth with him at the destruction of *Troy*. *Ovid* calleth them *Deos Nobiles*, noble Gods: others call them, *Deos consentes, quasi consentientes*, because *Jupiter* would do nothing without the consent of all. *Ennius* hath delivered them in this Distich,

Juno, Vesta, Minerva, Ceres, Diana, Venus, Mars,
Mercurius, Jovis, Neptunus, Vulcanus, Apollo.

b Serv. in lib. Georgic.

The second sort of Gods were called *b Semidei, id est*, Demigods; also *Indigites*, *id est*, Gods adopted or canonized; men deified. For as the select Gods had possession of heaven by their own right: so these gods canonized, had it no otherwise than by right of donation, being therefore translated into heaven, because they lived as gods upon earth; but because their merit was inferior, and could not parallel the deserts of the Gods select, therefore they were called gods of inferior note. *c Servius* would have these called *Divi*; observing this difference betweeen *Dii* and *Divi*, that *Dii* should signifie those which had been gods perpetually, but *Divi* should signifie men made Gods; though commonly they are used one for another. Whence they called all their Emperors *Divi*, because for their deserts they thought them worthy to be gods. Now the *d* manner how a man became deified was this: the party to be canonized being dead, a pile of wood was made in form of a great Tent, or Tabernacle, with three other lesser Tabernacles, one on the top of another, the lowermost having in it dry combustible matter, but on the outside adorned richly with Gold, Ivory, and painted Tables; hither the dead

c In Æneid. lib 5.

d Rosin. ant. l 3. c. 18. vid. Hospin. de orig. Christ. F. p. 21. vid. exemplum hujus consecrationis in Severi sepultur. Herod. l. 4 p 238.

corps

corps was to be carryed with great solemnities; the Senate, the gentlemen, and all the chief Magistrates going before, with hymns and songs, and all kinde of honour which was to be performed even to the Gods themselves. He being in this manner brought, and laid within the second tabernacle, the fire was kindled, by him who was to succeed in the Empire, for I finde none canonized but onely Emperors at their decease: forthwith at the kindling of the fire, a living Eagle was let fly from the top of the tabernacle, which was supposed to transport the soul of the dead body into heaven, insomuch that ever after he was canonized amongst the Gods, and worshipped as a God. And because they were thus turned into Gods, some have called them *Deos animales*, *quoniam animæ humanæ verterentur in Deos*. This *e* canonization was by the Greeks termed ἀποθέωσις, by the Latines *consecratio*. The third sort were those moral vertues, by which as by a ladder men climbed into heaven: and therefore did men style them Gods, because by their means men became deified. Late Writers perceiving that all the number of the Gods could not be reduced into these three heads, have added a fourth sort, which they *f* call *Semones*, *quasi semi homines*, because ancient Writers, as *Rosinus* hath observed, called men *hemones*, not *homines*: in which point I shall willingly condescend unto him; but I shall leave to the judgement of others, to determine how justly he hath restrained the Gods *minorum gentium*, of the lesser Nations, onely unto this last *classis*: whereas my opinion is, that the demy-gods, the moral vertues which have been styled Gods, and these *Semones*, may all of them be called Gods of the lesser Nations, standing in opposition with the Gods select, which are called Gods of the greater Nations. But that we may understand what is meant by these *Semones*, we must remember that by them are signified unto us not those Gods which do appertain to man himself, but to the necessaries of mans living, his victuals, his cloathing,

e Serv. in Æn. lib. 3.

f Rosin. antiq. l. 2. c. 19.

and the like: not to the being of a man, but to the well-being of him; of which sort is *Salus*, *Fortuna*, with others. We read likewise of other names given in common to divers Gods, not as to opposite members of a division, but as notes of distinction, drawn from the diversity of help, which they severally did afford unto man. In this respect some were called *Dii Patrii*, or *Tutelares*, such as had undertaken the protection of any City or Town: which opinion had sometimes been entertained by our English-men, and thence have risen these and the like speeches, St. *George* for *England*, St. *Denis* for *France*, St. *Patrick* for *Ireland*, &c. And the *Romans* being fully perswaded of the truth thereof, whensoever they went about to besiege any Town, by certain Enchantments or Spells they would first call out these Tutelar Gods; because they deemed it a matter impossible to captivate the City, as long as these Gods were within; or at least they thought it a crime unexpiable to take the Gods as prisoners. And lest other Nations might use the same means in besieging *Rome*, therefore, *g* as divers Authors have thought, the true Name of the Roman City was never known, lest thereby the Name of their Tutelar God might be descryed. Others, namely, the *Tyrians*, have tied fast their God *Hercules* with a Golden chain, thereby the more to secure themselves of his residence among them. *b* Others have been called *Dii communes*, namely, *Mars*, *Bellona*, and *Victoria*, because in time of War they are not bound to either side; but sometime they help one side, and sometimes the other. And as they supposed some Gods to have the protection of whole Countries, so did they believe that others had the charge of particular men; and that as soon as any man was born, two spirits did presently accompany him invisibly, the one termed the *bonus Genius*, or good Angel, perswading him to that which should be good; the other called the *malus Genius*, or evil Angel, tempting to that which should be hurtful: insomuch that they thought all the actions

g Sylvius in epist. virorum illustrium.

b Alex. Gen. dier. l. 6. c. 4.

actions of men to be guided by these Angels, called *Genii*; so that if any misfortune befell a man, they would say that the matter was enterprised *Diis iratis, id est*, our *Genius* being displeased with us. *Virgil* calleth these bad Angels *Manes*, as it appeareth by that, *Quisq; suos patitur manes, id est*, every man hath his evil Angel, *id est*, some misfortune. These *Genii* were thought to be a middle Essence between men and Gods. They are therefore called *Genii*, because they have the tuition over us so soon as we are *Geniti, i. e.* born. It is most certain that old Authors used *Geno* for *Gigno*; whence *i Tully* saith, *Si mihi filius genitur*; and *k Varro*, *Antequam genat filiquas*: although every place had also his *Genius*, as hereafter shall appear. This opinion was the more confirmed by a vision which appeared unto *l Brutus* in *Asia* near unto the time of his death: for *Brutus* watching upon a certain night in his Pavilion, the candle being near spent, saw a fierce tragical person appear unto him, somewhat bigger than a man; and he presently, being of an undaunted spirit, demanded whether he were a God or a man? To whom the vision answered, *Brutus*, I am thy evil *Genius* which haunteth thee; thou shalt see me at the City *Philippi* again: and the same vision appeared unto him, as he was fighting at *Philippi*, which was the last fight that ever he fought. And because *Juno* was wont to be invocated in the time of Childbirth, therefore many have thought that every man hath not his two Angels, but one Angel, and *Juno* to observe him: but it is agreed upon by best Authors, that as the Angels or Spirits which did attend men were termed *Genii*; so those which guarded women were termed *Junones*. This *Genius*, as often as he is understood for the good or evil *Angel*, which hath charge of a mans body, is painted in form of a man, as we read did appear to *Brutus*; though sometime he is painted as a young boy, sometimes as an old decrepit man, *m* but always with a crown of plane-tree, which therefore was called *Genialis arbor*: in the right hand he held a platter over an Altar

i Cic. *l* 2. de orat.

k Varro Rei Rust *l*. 1. *c*. 31.

l Plut. in Brut.

m Rosin. ant. *l*. 3 *c*. 14.

garnished with flowers; in the left he held a scourge hanging down. The sacrifice that was performed unto the *Genius* was wine, and flowers: whereupon (as if by wine and fragrant odours, were signified all kinde of pleasures) certain proverbial speeches have been occasioned; as when we see a man given much to his pleasure, and dainty feeding, we say he doth *indulgere genio, i. e.* pamper or make much of his *Genius*: on the contrary, he that is abstemious, and debarreth himself of his pleasure, and dainty feeding, is said *defraudare Genium*, to defraud his *Genius*: and *genialis* signifieth jocund or pleasant. *n* It was also the custom after meals to have a cup pass round the Table, much like unto our *poculum charitatis*, and it was called *poculum boni Genii*. *o* The *Grecians* had a like custom, whence that cup was called by them, ἀγαθοῦ δαίμονος. But the reason why they would not sacrifice unto their *Genius* by killing some host, as they did to their other Gods, was, because they judged it unfit to deprive any creature of his life upon that day, when they first began their life (for this sacrifice was performed yearly by every one upon his birthday.) *Horace* notwithstanding doth more then intimate the killing of a young pig in that sacrifice.

n Vid. Erasm. adag.

o Cœl. Rhod. l. 28. c. 6.

——— *cras Genium mero*
Placabis, & porco bimestri. Hor. *lib.* 3. *Od.* 17.

The other *Genius* which is supposed to have chief power over high-ways and places, being therefore called *Genius loci*, was pictured in form of a Snake, in which form *Virgil* feigned him to have appeared to *Æneas*, when he performed the funeral-rites due unto his Father *Anchises*, *Æneid. l.* 5.

——— *Adytis cum lubricus anguis ab imis*
Septem ingens gyros, septena volumina traxit.

And *Persius*,

Pinge duos angues, pueri, sacer est locus, extra,
Meiite, id est, duos Genios.

Another sort of gods was supposed to have the keeping of

of mens houſes: *p* which they painted in form of a Dog, becauſe thoſe to whom the charge of houſes is committed ought to reſemble Dogs, that is, to ſeem fierce and angry towards ſtrangers, but gentle and kinde to thoſe of the houſhold. Other properties wherein theſe *Lares* do reſemble Dogs, are recited by *Ovid*, *Faſt.* 5.

p Franc. Sylv. in orat. pro Sext. Roſc. Am.

Servat uterq; domum, domino quoq; fidus uterq; eſt,
Compita grata Deo, compita grata cani:
Exagitant & lar, & turba Diana fures,
Pervigilantq; Lares, pervigilantq; canes.

They were named *Lares*; and becauſe of the charge they had over mens houſes, this word *Lar* is ſundry times taken for an houſe it ſelf, as *parvo ſub lare*, *Horat.* in a little Cottage: *homo incerti laris*, *id eſt*, a man that hath no houſe to dwell in. *Sen. in Med.* And the cuſtom in ſacrificing unto them, was to eat up all whatſoever was left at the offering, for they thought it an heinous matter to ſend any of that ſacrifice abroad, either among their friends, or the poor: and thereupon when we ſee a glutton leave nothing in the platter, not ſo much as the courteſie-morſel, we ſay *Lari ſacrificat*, *id eſt*, he ſacrificeth to his houſhold-God.

LIB. II. SECT. II.

Of the Roman Prieſts, with ſome particular Gods.

Faunus the ancienteſt of all the Kings in *Italy*, was the firſt that brought any form of Religion into *Italy*. He conſecrated Groves, gave names unto Cities, erected Temples, ordained ſacrifices, &c. From whom the Churches, as ſome ſay, were named *Fana*. But after *Faunus*, *Evander* coming out of *Arcadia*, and afterwards being King of *Latium*, he inſtituted and appointed many other Ceremonies, which before were unknown to the Latines. After him *Æneas* coming from *Troy*, taught many of the *Trojan* Ceremonies: by whoſe examples *Romulus* and *Numa* were incited to add many other kinds of holy Rites, and ſo at length reduced their whole Religion into a certain order, eſpecially *Numa*, who, that he might gain the more credit and authority to his new-invented ſuperſtitions, feigned that he had conference about them every night with the Goddeſs *Egeria*. My intent therefore is, to ſpeak firſt of the God in whoſe honour theſe holy Rites were performed, and then to deſcend unto the Prieſts, which were to perform them, ſhewing withall the Ceremonies they uſed in the performance.

CAP.

CAP. 1.

De Pane Lyceo, ſive Juno: de Lupercis & Lupercalibus.

Pan was ſuppoſed to be the God of the ſhepherds, and is *a* thus deſcribed: he is pictured naked, having horns in likeneſs of the Sun-beams, a long beard, his face red like the clear air, in his breaſt the ſtar *Nebris*, the nether part of his body rough, his feet like a Goat: in one hand he holdeth a Pipe, in the other a ſhepherds crook, and alwayes is imagined to laugh. *b* He was worſhipped firſt in *Arcadia*, and there called the God *Pan Lycæus*, but afterwards he was had in great eſteem at *Rome*, *c* and in the honour of him certain ſacrifices & games called *Lupercalia* were ſolemnized by the *Romans*. *d* There he took the name *Inuus*, or as ſome ſay *Junus*. Concerning the time when theſe ſacrifices were to be performed, it was upon the *e* unfortunate days of the moneth *February*, which hath his name *à februando*, from purging: whence the feaſt or game is as a purification; though the Latine word ſignifieth as much as a feaſt of wolves, in a memorial that *Romulus* and *Remus* were nurſed by a ſhe-wolf. This ſeemeth very probable, becauſe the Prieſts, which were called *Luperci*, began their courſe at the foot of mount *Palatino*, called by the *Romans*, *Lupercal*, *id eſt*, the place where the wolf nurſed *f Romulus*. The ceremonies were theſe: the hoaſt (being two Goats) was to be ſlain; and two Noble-mens Sons were to be preſent, whoſe foreheads being bloodied with the knives of them that had ſlain the Goats, by and by were to be dried up with wool dipped in milk. Then the young Boyes muſt laugh immediately after their foreheads were dry. That done, they cut the goat-skins, and made thongs of them, which they took in their hands, and ran with them all about the City ſtark naked (ſaving they

a Servius in Virg. Ecl. 2.

b Feneſt. de ſacerd. c. 1.

c Feneſt. lib.

d Pomponius Lætus de Sacerd cap de Luper.

e Plutarch in Romulo.

f Plutarch. in Romulo.

they had a cloath before their privities) and ſo they ſtruck with thoſe thongs all they met in the way. The young wives did never ſhun them at all, but were well contented to be ſtricken with them; believing it helped them to be with childe, and alſo to be eaſily delivered. Moreover it is to be noted, that a Dog was ſacrificed at this time, becauſe there is a natural antipathy, or contrariety of nature, between the Dog and the Wolf: whereby *Romulus* thought to teſtifie his gratefulneſs unto the Wolf for her pains in nouriſhing him. The reaſon why the Prieſts ran up and down the ſtreets naked, was, becauſe that *Pan* the God of this ſacrifice was painted naked. As the feaſt, ſo alſo the place from whence they came, and likewiſe the Prieſts had their names *à Lupa*, which ſignifieth a Wolf. Some Authors have obſerved three ſorts of the *Luperci*; ſome called *Fabiani*, ſome *Quintiliani*, from *Fabius* and *Quintilius* their Governours: the third ſort, which *g* *Roſinus* affirmeth to have been added in the honour of *Julius Cæſar*, I cannot finde according to his quotation in *Suetonius*. But thus much *Suetonius* ſaith in *h* another place, namely, that *Auguſtus Cæſar*, when he was chief Pontifie, did reſtore theſe games again, being formerly aboliſhed.

g Roſin. ant. l. 3. c. 2.

h Sueton. in Auguſt.

CAP. 2.

De Cerere, & ſacris ejus.

CEres, otherwiſe called *Eleuſina*, was honoured firſt among the *Græcians*, afterward among the *Romans*, as a Goddeſs, which firſt taught men the skill of husbandry.

Prima Ceres ferro mortales vertere terram
Inſtituit. Virg. *Georg.*

Whence ſhe is ſometimes *metonymicõs* taken for corn, as *Credenda Geres arvis. Ovid.* It is ſeed-time. She is called *Ceres* *i* *quaſi Geres, à gerendis frugibus*, from bearing fruit: becauſe, as ſome ſay, by *Ceres* is underſtood ſometimes

i Cic. l. 3. de nat. Deor.

ſometimes the earth it ſelf; whence alſo Δημήτηρ, being the Greek name of *Ceres*, is ſaid *quaſi* γῆ μήτηρ, *i. e.* the earth, which is the common mother of us all. *k* She is painted in the habit of a Matron wearing a Garland of Corn, ſometime ſorrowful, with a lamp in her hand, as if ſhe were ſeeking out her daughter *Proſerpina* carried by *Pluto* into Hell: and ſometime with a handful of Corn or Poppy-ſeed. Upon the fifth of the Kalends of *April*, the *Romans* were wont to perform ſacrifices unto her, which they called *ſacra Græca*, *i. e.* the Grecian ſacrifices: as likewiſe they termed the chief woman which did perform them, *ſacerdotem Græcam*, *i. e.* the Greek Miniſtreſs, becauſe they were tranſlated into *Rome* out of *Greece* by *Evander*. The time of their ſolemnities was at the dawning of the day, and the Prieſts, which were only women, ran up and down with lamps in their hands in manner of mad women; into whoſe Temple none that was guilty of any fault committed, might enter: whoſe myſteries were to be buried in ſilence, and by no means to be babbled abroad. And as it is to be ſuppoſed, that was the reaſon why all wine was forbad in this ſacrifice. So that hence *l* we ſay *Cereri ſacrificat*, he ſacrifices to *Ceres*, when he makes a feaſt without wine.

k Roſin. ant. l. 2. c. 11.

l Plautus in Aululatia.

CAP. 3.

De Potitiis, & Pinariis, Herculis ſacerdotibus.

HErcules had an Altar erected in the memorial of him near unto *Tiber* by *Evander*, upon occaſion of the Herdſmens complaint brought unto *Evander* of him, whom they accuſed to have ſlain their chief Herdſman *Cacus*, the Hiſtory being *m* thus, *Hercules* after his conqueſt over *Geryon*, brought a way with him certain goodly Oxen, and as well to reſt himſelf, as to paſture his Oxen, he laid him down to ſleep in a green field near the River *Tiber*: In the mean while a certain Herdſman called *Cacus*, who hapned to come that way, and perceiving

m Serv. Æn. l. 8.

Hercules to be in a ſound ſleep, he ſtole away two of his Oxen, which he hid in a Cave or hollow Rock, pulling them in by the tail backward, thinking that *Hercules* when he ſhould look his Oxen, and ſee the print of their footſteps, would eaſily believe that his Oxen had rather gone out from the Rock than into it, as indeed he did for a time believe: but afterwards by the bellowing of the Oxen within, anſwering their fellowes without, *Hercules* entred the Rock, and finding the thief *Cacus* there with his Oxen, he killed him; by reaſon of which murther he was brought before *Evander*: and after a while known to be the *Hercules*, of whom the Propheteſs *Carmenta* had foretold unto *Evander*, that he ſhould be a God, whereupon *Evander* preſently ſaluted him by the name of *Hercules* the Son of *Jupiter*, and in hoonur of him cauſed an Altar to be built there in that place; upon which yearly was to be offered up an Heifer which had never born yoke; and that this Sacrifice might be had in the more eſteem, two Noblemen well ſtricken in years, and of good repute among the Romans, one of them being called *Potitius*, and the other *Pinarius*, were appointed as the Prieſts to perform theſe Sacrifices; from whom ever after *Hercules* his Prieſts were called *Potitii*, and *Pinarii*. Where by the way we muſt obſerve that *Pinarius* was not the ſirname of this Nobleman, but a name added unto him, intimating his, and his ſucceſſors puniſhment, for not coming ſoon enough according to the time appointed by *Hercules*. For as *u* divers writers teſtifie, the entrails of the beaſt were almoſt eaten up by the family of *Potitius*, before *Pinarius* and his family came, and in puniſhment of their negligence *Hercules* enjoyned the *Pinarii* never after to eat of the entrails, giving them this name *Pinarii* at that time, from the Greek word πεινα, which ſignifieth hunger.

u Ser. Æn.

CAP.

CAP. 4.
De Fratribus Arvalibus.

THis Colledge or Company of Roman Prieſts may be Engliſhed the *Arval fraternity:* the number of them being twelve, eleven of them natural Brothers, ſons to *Acca Laurentia*, *Romulus* his Foſter-mother; *o* for which reſpect *Romulus* yielded himſelf her adopted ſon, inſtituting this Order in the honour of *Ceres* and *Bacchus*, for the plenty of Wine and Corn, unto whom they did offer up certain ſacrifices called *Ambarvales hoſtiæ, quod antequam macterentur ter circum arva ducebantur*, according to that of *Virg. Georg. Terq; novus circum felix eat hoſtia fruges*, that they being therewith appeaſed, might the willinger cauſe the earth to fructifie, and added himſelf to the former eleven, as the twelfth Prieſt, or brother to help in the performance of this publick ſacrifice. Moreover, beſides the performance of this ſacrifice, theſe twelve were appointed *Arbitrators*, or Judges to decide controverſies concerning Land-marks, and bounds of the field, from whence they took their name *fratres arvales*. Their ſacerdotal ornament was a garland of Wheat bound up with a white ribband, this being, as *p Pliny* writeth, the firſt Crown or Garland amongſt the Romans.

o Feſtus de Sacerd. c. 3.

Hoſpin. de orig. Monach. c. 10.

p Plin. l. 17 c. 2.

CAP. 5.
De Sexaginta Curionibus.

AFter that *Romulus* had divided the whole body of the Romans into three Tribes, or Wards, and ſubdivided thoſe three Wards into thirty Pariſhes, called *Curiæ*, he ordained out of each *Curiæ* two Pariſh-prieſts or Curates called *Curiones*, or *Flamines Curiales*; which were publickly to offer up ſacrifice in the behalf of the people. Neither was every one equally capable of this

honour of Prieſthood,[q] but he was to be at the leaſt fifty years old, of a life unſpotted, and a body unmaimed. And over all theſe there was one which had chief rule, and therefore was called *Curio maximus*, the Biſhop or chief Prelate: and theſe ſacrifices were called *Curionia*. [r] Their ſacrifice being ended, each Pariſh had a feaſt in a common Hall built for that purpoſe: it was called *Domus Curialis*, and ſometimes *Curia*.

[q] Dion. Hal. l. 2.

[r] Dind. ib. d.

CAP. 6.

De Auguribus, & eorum Collegio.

AMongſt other kinds of foretellers, we read of three principally uſed in former time, namely *Aruſpices*, *Auſpices*, and *Augures*; all which we Engliſh *Southſayers*, though the Latine words do import a main difference, worth our obſervation; all are alluded unto by *Ovid*.

Ovid. triſt. l. 1. Eleg. 2.

Hoc mihi non ovium fibræ tonitruſve ſiniſtri,
Linguave ſervatæ pennave dixit avis.

The *Aruſpices* did divine or foretel things to come, by beholding the entrails of beaſts ſacrificed; whence they had their name, *ab aras inſpiciendo*, from beholding the Altars. The *Auſpices* did foretel things by beholding the flight of birds: ſo that *Auſpiecs* are ſaid *quaſi aviſpices*, *ab aves aſpiciendo*. The *Augures* did divine from hearing the chatting or the crowing of birds; whence they are called *Augures*, *ab avium garritu*, from the chirping and chatting of birds. Theſe two laſt kinds of ſoothſaying have occaſioned theſe and the like phraſes, *bonis avibus*, or *auſpiciis* with good luck, *malis avibus*, *i. e.* with ill luck; and becauſe they would begin [t] nothing *in auſpicio*, *i. e.* without the counſel of the *Augures*, hence *Auſpiciari rem* hath been tranſlated, to begin a matter. The Colledge of the *Augures* at *Rome*, was firſt appointed by [u] *Romulus* himſelf, being very expert in ſoothſaying, there being at the firſt but three, namely one of each Tribe; (The word *Augur* being not taken in his own

[t] Fr. Sylv. in orat. pro Cluentio.

[u] Pomp. Lætus cap. de Augur.

own proper ſenſe and ſignification above mentioned: but generally, by the trope *Senechdoche*, ſignifying all kinds and ſorts of divining whatſoever, whether it were by obſerving the entrails of beaſts, the flying, ſcreeching, and chatting of birds, or thundring or lightning in the Heaven, or marking the rebounding of crums caſt unto birds, which kind of divining was called *Tripudium.*) *x Servius Tullius* the ſixth *Roman* King, when he divided *Rome* into four local Tribes, *id eſt*, regions, or quarters, then did he add the fourth *Augur*, all of them being elected out of the *Patricii*, or the Nobility of *Rome*. *y* In proceſs of time *Quintus*, and *Cænus Egulinus* being choſen *Tribuni plebis*, *i. e.* Protectors of the Commons, obtained, that five other *Augures* ſhould be choſen out of the commonalty, and added unto the former four: at which time the Senate decreed, that the Colledge of *Augures* ſhould never exceed the number of nine. *z* Notwithſtanding *Silla* being *Dictator*, added ſix more, inſomuch that their Colledge increaſed to the number of 15. the eldeſt of which was called *a Magiſter Collegii*, the Maſter, or *Rector* of the Colledge. The *Augures* excelled other Prieſts, in *b* this reſpect, becauſe if any of them had been convinced of any hainous crime, he did not loſe his office, neither was any other ſubrogated into his room, although the *Roman* cuſtom was, that if any other Prieſt had committed any notorious offence, he ſhould preſently be diſcharged of his office, and another choſen in his place. *c* The manner how the *Augur* did obſerve was this: He ſate upon a Caſtle, or a Tower, the air being clear and fair without clouds or rain, holding a crooked ſtaff (called in Latine *Lituus*) in his hand, where ſitting in his ſoothſaying robe called *Læna*, and in Greek χλαῖνα παρὰ τὸ χλιαίνειν, *a calefaciendo*, from heating, becauſe it was well lined within, being guarded on the out-ſide with purple and crimſon guards, having his head covered, and his face turned toward the eaſt, ſo that his back was Weſt-ward, his right ſide Southward, and his left North-ward. Being thus placed,

x Roſin. ant. l. 3. c. 8.

y Roſin. ibid.

z Roſin. ibid.

a Alex. Genealier. l. 5. c. 19.

b Alex. ibid.

c Pomp. Lætus de Aug.

plac'd, he quarter'd out with his crooked staff the heaven into certain *templa*, *id est*, regions or places, observing in what region the birds did appear: then killing his sacrifice, and offering up certain prayers called *Effata*, he proceeded in manner as followeth. But first, suppose we for our better understanding hereof, that now the *Augures* were to resolve the people, whether the gods would assent that *Numa Pompilius* should be King. The *Augur* having done as above is shewed, his *Litnus* being in his left hand, he reach'd forth his right hand, putting it upon *Numa Pompilius* his head, using this form of words, *Jupiter pater, si fas sit Numam Pompilium, cujus ego caput teneo, regem Romæ esse, fac uti nobis signa certa ac clara sint inter eos fines quos feci, i.e.* If it be lawful for this *Numa Pompilius*, whose head I hold, to be K. of *Rome*, shew some manifest tokens within these regions or quarters, which I have described. Then if he observed lucky signs and tokens, he presently pronounced *Numa Pompilius* King of *Rome*, if he perceived unlucky tokens, then did he *obnunciare*, or gainsay, and shew that the matter proposed was not pleasing to the gods. Where by the way we must note, that nothing was confirmed by the *Augures* without the appearance of two lucky tokens one after another; neither was any thing gainsaid by the appearance of the only evil token. The distinctions of the southsayings have been taken, some from the event, and thence are they called *prospera*, lucky, or *adversa*, unlucky; some from the manner of appearing, *d* and that was either wished, being call'd therefore *impetrativa*, or unwished, called *oblativa*; some from the diversity of things which offered themselves in time of divining, and so there were five distinct sorts: the first was by the observing of lightning and thunder from heaven, the second from the flying and chatting of birds; the third from bread cast to pullets or little chickens; the fourth from four-footed beasts, which either should cross the way, or appear in some unaccustomed place; the fifth from those casualties whereby the gods

d Serv. Æn. lib. 8.

gods do make their anger appear unto us. Of this ſort are thoſe voices which we hear we know not whence (as *e Cadmus* heard, when he overcame the Serpent) the falling of ſalt towards us at the table, the ſhedding of wine upon our cloaths; from which caſualties and the like, the *Augures* would pronounce either good fortune or bad to enſue. And theſe tokens were therefore called *Dira*, becauſe thereby *Dei ira nobis innoteſcit*, the Gods anger is made known unto us. Now the things that in divining time appeared on the left hand, were commonly tokens of good luck, becauſe the givers right hand in beſtowing a benefit is oppoſite to the receivers left hand. Whence *f ſiniſtrum*, though in humane affairs it ſignifies as much as unlucky, yet in thoſe holy Rites of divining, *ſiniſtrum* is taken in a contrary ſenſe, as *Avis ſiniſtra*, good luck; *Intonuit lævum*, it hath thundred luckily, we ſhall have good ſucceſs; and it is ſaid, *à ſinendo*, becauſe the gods thereby do ſuffer us to proceed in our purpoſed projects. And therefore *Tully* ſaith, 1. *de divinatione*, *à ſiniſtra cornice ratum, & firmum Augurium fieri*; and in the law of the 12. tables it is ſaid, *Ave ſiniſtra populi magiſter eſto*. *g* The *Grecians* from hence in the judgement of *Lipſius* have called the left hand ἀριστερὸν from ἄριστον ſignifying beſt.

e Vox ſubito audita eſt neque erat cognoſcere promptum Unde, ſed audita eſt. Ovid. Met. l. 3. fab. 1.

f Serv. Ænei. lib. 2.

g Lipſ. Elect. lib. 2. cap. 2.

CAP. 7.
De Tripudiis & Pullariis.

THis kind of conjecturing is called *auſpicium cordium quoniam neceſſe erat offa objecta cadere fruſtum ex pulliore, cum paſcitur*. The word *Tripudium* is uſed by a *ſyncopation* for *terripudium*, which is as much as *terripavium*, *id eſt*, a dancing or rebounding of any thing upon the ground: for *pavire* is the ſame with *ferire*. * Others ſay *Tripudium quaſi tertio pedum*, It is here taken for the divining, or conjecturing of good or evil to come by the rebounding of crumbs caſt to chicken in a coop or pen: whence the *Augur* from theſe pullets or chicken was called

b Cic. de divinat. lib. 1.

* Humbert in l. 6. Pp. ſum. Cic.

led *Pullarius*, *id est*, a Bird-Prophet. *i* The manner in ob-
i Alex. Gen. dier. l. 1. c. 29. serving was this: as often as by this kind of conjecturing they desire to know the gods pleasure concerning the enterprizing of any matter, early in the morning those that were skilful in this kind of observation, repaired unto the place where the chicken were kept, where silence being commanded, and the coop opened they cast crumbs of bread to the chicken: now if the chicken either came slowly, or not at all unto the bread, or if they walked up and down by it not touching it, then was it a token that the matter to be enterprized was displeasing unto the gods: but if contrarily the chicken did hastily leap out of the coop, and eat so greedily the crumbs, that some should fall out of their mouths again, then the *Pullarius*, that is, the *Augur*, pronounced that it was well-pleasing unto the gods, & encouraged the enterprizing of what they had intended cheerfully: & this was called *Tripudium solistimum*. This kind of conjecturing may seem
k Alex. ibid. to have its original from the *Lycians*, *k* who as often as they desired to foreknow the success of any enterprize, they went unto the fountain dedicated unto *Apollo*, into which they cast baits for the fish: now if the fishes did eat them, it did betide good luck; if otherwise they neglected the baits, than did it betoken some evil event.

CAP. 8.

De Aruspicibus, Auruspicina, & Extispicino.

THis kind of Sooth-sayers, as they were called *Aruspices*, *ab aras aspiciendo*, from beholding the beast upon the Altar; so were they called *Extispices*, *ab extra aspiciendo*, from beholding the bowels or entrails of the beast, called in Latin *Exta*. In this kind of sooth-saying
l Senec. Oed. Act. 1. scen. 2. the *Aruspex* observeth the manner as followeth; first, *l* whether the beast to be sacrificed came unto the Altar willingly, without plucking and haling; whether he died without much strugling, or lowd bellowing, at one blow

or

or many; whether any unlucky object were ſeen, or heard by them whileſt they were ſacrificing. Again, after the beaſt was ſlain, then would they obſerve, whether the bowels were of an unnatural colour, whether they were not ulcerous, exulcate or impoſtumated: moreover they would divide the bowels into two parts, the one they would call *partem familiarem*, from whence they would fore-tell what ſhould befall themſelves and their friends; the other they would call *partem hoſtilem*, whence they gathered predictions touching their enemies. Hence *Manto* in *m Seneca* deſcribing the extrails of his killed Sacrifice, ſaith, *Hoſtile valido robore inſurgit latus*, meaning by *hoſtile latus partem hoſtilem*. Afterward when the Sacrifice was to be burned, they conſidered whether the flame of the fire was ſmoaky, whether the ſmoak rolled and tumbled in the air, whether it were of any continuance or no: for all theſe were unfortunate tokens, as the contrary did betoken a good and fortunate iſſue to their deſignments. Theſe laſt which obſerved the fire and ſmoak were called by a more peculiar name *Capnomantes*, ſmoak Augures, from the Greek word καπνὸς ſignifying ſmoak, and *vates*, *id eſt*, *vates*, or a Sooth-ſayer. The firſt inſtructions that the *Romans* received were from the *Hetruſci*, who (as they themſelves ſay) received their knowledge from a little boy, which they named *Tages*, the hiſtory being thus; *n* when the *Hetruſci* were plowing their lands, upon a ſudden up ſtarted this *Tages* out of one of the furrows, uſing divers ſpeeches unto the plow-men: but they being much affrighted at this ſudden and ſtrange viſion, began with a lowd cry to lift up their voices, upon occaſion whereof many other people flocked thither, where he gave many good inſtructions concerning this kind of ſooth-ſaying, which were preſently recorded in books, and practiſed afterward by the *Hetruſci*.

m Ovid. Act. 2 ſcen. 2.

n Cic. de divinat. Indigenæ dixere Tagem, qui primus Hetruſcam Edocuit gentem caſus aperire futuros.

Ovid Met. 15. libro ult.

CAP. 9.

De Flaminibus.

THe Mitre or head ornament which these Priests did wear, was called in old time *Flama*, whence the Priests took their names *Flamines*. The custom amongst the *Grecians*, as likewise afterwards amongst the *Romans*, was, that the King should as well perform ceremonies and holy rites of Religion, as civil businesses. But *Numa Pompilius* perceiving that forrain wars did oftentimes occasion the Kings absence, insomuch that those Religious ceremonies which he himself personally should perform, were of necessity sometimes neglected, hereupon he ordained out of the *Patricii* three Priests to perform that divine service unto *Jupiter*, *Mars*, and *Romulus*, which he himself otherwise ought to have performed, calling the first *Flamen Dialis*, the other *Flamen Martialis*, and the last *Flamen Quirinalis*, from *Romulus* which was often called *Quirinus*.

Sive quod hasta quiris priscis est dicta Sabinis,
Bellicus at telo venit in ora Deus,
Sive suo regi nomen posuere Quirites,
Seu quia Romanis junxerat ille Cures.

In process of time twelve others chosen from the Commons were added unto these, but with this note of distinction, that the three first were had in great esteem, and were called *Flamines Majores*, high Priests, the other of less note, called *Flamines minores*, inferiour Priests; the chief of all was the *Flamen Dialis*, *Jupiters* high Priest. And whereas every one did wear a certain bonnet in form of a Mitre, which sometimes was called *Pilum*, sometime (by the figure *Synecdoche*) *Apex* (whereas *Apex* doth properly signifie only the top of the bonnet) it must wear *Albo galerum*, i. e. a white Mitre, but only *Jupiters* Priest, and that was to be made of white Sheepskin, after the Sheep had been sacrificed. Whatsoever malefactor could escape unto this Priest, he should not be punished

a Rosin. ant. l. 3. c. 15.
b Rex Anius Rex idem hominum Phœbiq; sacerdos. *Virg.*
c Alex. Gen. dier. l. 6. c. 12.

punished that day. None was eligible into this office, but he that was married: neither was it lawful for him to marry twice, but if his wife died *Flaminio abibat, i. e.* he resigned his sacerdotal office. To him was permitted a rich robe of state, and a Curule chair; none might touch fire out of his house, unless it were to perform some Sacrifice therewith; nor none might barb or pole him but a free-man, and that with brazen scissers. Many other ceremonies there were which concerned this *Flamen*, as likewise time added many other *Flamines*, namely [f] every god one; yea, sometime those threescore Parish-Priests which formerly were called *Curiones*, were called *Flamines Curiales*, and divers Emperors after their death had also their *Flamines*. [g] Moreover we must note that those Priests wives were called *Flaminicæ*; Their Ministers (for they were wont when they went to Sacrifice, to take a boy or maid with them) *Flaminii*, or *Flaminiæ*; and the chief *Flamens* dwelling house was called *ædes Flaminica*, or *Flaminia*. But as it seemeth probable, *Numa Pompilius*, and so the other Kings succeeding him, did still reserve their right and authority in holy matters so far, that they would instruct other inferiour Priests, yea and specially perform some Special Sacrifices themselves: whereupon after that the Kings authority was abrogated amongst them, then that these Sacrifices might be continued, they chose a certain Priest, which they preferred before the *Flamen Dialis*, but judged him inferior to the *Pontifex maximus*, or Arch-pontine, and him they called *Rex sacrificulus*, and *Rex sacrorum*, the King-Priest. To him once every year the Vestal Nuns repaired, and used this form of words, [a] *Vigilasne Rex? Vigila.* King art thou awake? awake. For unto him it did belong to bid holy days, and to provide all things necessary for public Sacrifices. He was to instruct those that sought unto him, the causes of the holy days, and tell them what was lawful and unlawful every month; and upon the fifth of the *Ides* of January he Sacrificed a *Ram* to *Janus*.

[r] Serv. Æn. l. 1.

[f] Feneſt. de ſacerd c. 5.

[g] Alex. Gen. dier. l. 6 c. 12

[a] Serv. in Æn. 10.

He was likewise wont to offer up a Sacrifice in the *Comitium* or great Hall of Justice, which being finished, he ran as fast as he could out of the Market-place without delay. His wife was called *Regina sacrorum*, the Queen-Priestess, and was wont upon the Kalends of every moneth to Sacrifice a Porker, or a Lamb in her place, in the honour of *Juno*.

CAP. 10.

De Marte, sive Mavorte, & Salii Palatini Marti dicati.

Mars otherwise called *Mavors* by the figure *Epenthesis*, as we say *Induperator* for *Imperator*, was reputed the God of War, and so *Metonymice* is used for War; as *vario Marte pugnatum est*, the battel was doubtful; *propio Marte* by ones own strength and labour. He was the son of *Juno* only, without company of her Husband: for when *Juno* was greatly displeased with her self, that *Jupiter* by striking his head, without the company of a woman did bring forth the goddess *Minerva*, she by the counsel of the goddess *Flora* touching a certain flower in the field of *Olenius*, by vertue whereof she immediately conceived the god *Mars*. This god, by reason of his dominion in War, the *Romans* painted fiery, sometimes in his Chariot, sometimes on Horseback, with a Javelin in one hand, and a Scourge in the other. In old Coyns there was sometimes the picture of a Cock joyned with him, to shew the Vigilancy and carefulness that Souldiers are to use. He was called *x Gradivus à gradiendo* from marching in battel against his enemies. He had a Temple without the City, whence he was called *Extramuraneus*. *y* Near unto this Temple, without the gate *Capena*, did lie a stone of great note, which upon great droughts the people would bring into the City, and presently rain would follow; whereupon it was called the Rainstone, *Lapis manalis, à manando*. *Numa Pompilius* in the honour of *Mars*, firnamed *Gradivus*, ordained twelve dancing

x Rosin. ant. l. 2. c. 10.

y Rosin. ibid.

dancing prieſts, called *Salii à ſaliendo* from dancing, which number afterward we find to have been doubled by *Tullus Hoſtilius*, in the War againſt *Fidena*, a town of the Sabines. The former twelve being called *Salii Palatini* from the Palatine mount, where they did begin their mauriſk: the other *Colini*, from the Hill where their Chappel ſtood, *a* and ſometimes *Quirinales*: and ſometimes *Agonales*: ſo that the whole Colledge contained 24. Prieſts. *b* The occaſion of their firſt inſtitution was this; upon a certain time, in the rain of *Numa*, the plague, or ſome other contagious ſickneſs was very hot among the *Romans*, inſomuch, that no Sacrifice, or holy Offering could remove it: at that time a certain brazen Target or Scutcheon, called in Latine *ænea pelta*, or *ancile*, big at both ends, but cut like an half Moon on each ſide, fell from heaven into *Numa* his hands, with a certain voice promiſing all health unto *Rome*, ſo long as that brazen Target could be kept ſafe. Whereupon *Mamurius* a cunning workman, by the appointment of *Numa*, made eleven other *ancilia*, ſo like the firſt, that neither could be known from the other (to the intent that if any ſhould be ſo wicked minded as to ſteal it, he might fail of his purpoſe by miſtaking one for another.) Theſe 12. Prieſts had the cuſtody and keeping of them committed to their charge, and in the moneth of *March*, every year they apparelled themſelves with a party coloured Coat, called *tunica verſicolor*, girt cloſe to their body with a belt, or ſword-girdle, & a breſt-plate of hardneſs, called *æneum tegmen*, upon that, and a robe of eſtate, called *trabea*, claſped about them uppermoſt of all. Upon their heads they did wear *apices*, *i. e.* Caps *c* much like unto the *Perſian* Bonnets, called in Greek κυρβασίαι, or τιάραι. They did ſomewhat reſemble our head-pieces in War, made cloſe unto the head, with a creſt of cloath upon the top, whence ſome have called them *Galeæ*. They being thus apparelled, danced about the *Forum*, or Market-place, and the Capitol, with ſhort ſwords by their ſides, a Javelin in the right hand, and their *ancile* in

a Dion. Hal. lib. 2.
b Plutarch in Numa.
c Dion. Hal. lib. 2.

the other; using certain Songs; either of the gods, and those they called *Janualii*, *Junonii*, and *Minervii*; or of men, and those they called *Axamenta*, because in those Songs they did *exare*, *i. e.* nominate and call upon the names of some well-deserving men; as *Manurius* which made those eleven Scutcheons, was often called upon in those Songs. Upon their festival daies they had excess of cheer, whence *d Horace* hath used *Sallares dapes*, to signifie dainty fare,

d Hora. l. 1. Ode 37.

CAP. 11.

De Fœcialibus, & Pater patrato.

THese *Fœciales* were Officers at Armes, or Heraulds, to denounce war, or proclaim peace, appointed thereunto at first *e* by *Numa Pompilius*. *f* The chief part of their Office was to dissuade the Romans from molesting any confederate Nation, with unjust War: and if any confederate Nation did offer injury unto the Roman people, then did these *Fœciales* go as Embassadors unto them, perswading and exhorting them to yield the Romans their right: but if they continued thirty dayes obstinate, refusing to yield to that which should be just and right, then did they presently denounce War against them, casting forth a dart in token thereof; which denunciation was *g* called *clarigatio*, *a clara voce qua utebantur Fœciales*. Others are of opinion, that whensoever War was denounced, this Herald at Armes should *h* turn loose a Ram into their enemies borders, signifying thereby, that their fields should shortly become pasture for the Romans: from which custom we say of one that challengeth another into the field, *Arietem emisit*. Again, if the *Imperator* or Lord-general had done ought against his Oath, these *Fœciales* by their Sacrifice did avert the wrath of the gods from him. The chiefest of them was called *Pater-patratus*, a perfect Father: for he only could be *Pater-patratus*, which had both children of his own, and his Father also alive. They

e Plutarch. Latius de sacerd. *f* Dion. Hal. lib. 2.

g Serv. Æn. lib. 2.

h Vid. Eras. Adag.

were

were called *Fœciales*, *a fœdere faciendo*, from making a league or peace between Nations. This league which we in Latine do call *Fœdus*, the Romans in old time did call *Fides*, as *Ennius* and *Pighius* witness; whence these *Fœciales* were termed also *Fidei Flamines*. [i] Pighius Septim. l. 1.

CAP. 12.

De Duumviris, & Decemviris, & Quindecemviris, Sacris faciendis, item de Sibyllis.

THis Priesthood had its first institution from *Tarquinius Superbus*, whose office was as well to expound as to keep the Oracles of those ten Prophetesses so famous throughout the word, called *Sibylle*. Concerning whom [k] *Munster* hath these words: In times past there came a strange woman to *Tarquinius* the King, offering nine books full of the *Sibylline* Oracles to be sold; but *Tarquinius* thinking the books too dear, refused to buy them; the woman departing, burned three of these books, and came the second time unto *Tarquinius*, demanding as much for those six books, as formerly she had done for the nine; *Tarquinius* began to deride her, whereat the woman departed, and burned three more, returning again unto *Tarquinius*, and asking as much for the three left, as she asked at first for all nine. Then began *Tarquinius* more seriously to bethink himself thereof, and sent for his *Augures*, asking counsel and advice of them. And they understood, by certain signes observed, that the King had refused some special goodness sent from the gods; and for the books that remained, they advised that the woman should have what she asked. As soon as the woman had delivered her books, she prestly vanished, and was never seen again; only warning them, to keep these books as safe as possible they could. For the safe keeping of these, *Tarquinius* chose two of the Noblemen, or *Patricii*, calling them *Duumviri*, appointing them, as well by study to expound, as with [k] Munst. in sua Cosmog. l. 2.

with care to keep those Oracles. In process of time, the people obtained, that ten should be appointed to this office, *l* five of them being chosen out of the Commons, and five out of the Nobles: and then they were called the *Decemviri.* Afterward by L. *Sylla*, as it is thought, five more were added, so that they were then called the *Quindecem viri*: nay the number was increased by *Sylla* unto forty, *m* as *Servius* thinketh, but still called by the name of *Quindecemviri.* Of these women that had the spirit of Prophesie, ten were very famous: the first was called *Persica*, the second *Libyca*, the third *Delphica*, the fourth *Cumæa*, the fifth *Erythræa*, the sixth *Samæa*, the seventh *Cumana*, the eight *Hellespontia*, the ninth *Phrygia*, the tenth *Tiburtina*: They all prophesied of the incarnation of Christ. The place where these books were kept, was within the Capitol under ground in a Chest of stone, where they remained safe, until the burning of the Capitol, at which time they also were burned. Notwithstanding many of the Prophesies have been known, partly by tradition, and partly being taken out of other copies in other Countries. One of the Phrophesies concerning our Saviour Christ, was uttered by *Sibylla Delphica* in manner as followeth: *Nascetur Phropheta absque matris coitu ex utero ejus*, that is, There shall be a Prophet born without any copulation of the Mother, even out of her womb. It was spoken at *Delphos*. All their Prophesies were of that certainty, that when we would averr any thing to be undoubtedly true, we use to say, it is *Sibyllæ folium*, as true as *Sibylla*'s Oracles. The *Cumæa Sibylla* did write her Oracles at the mouth or entrance of her Cave in leaves of trees, which the fierceness of the wind did oftentimes so scatter, that they could hardly be brought in order again: insomuch that when we would shew the great difficulty of bringing things in order, we may use *o Politian* his words, *Laboriosius est quam Sibyllæ folia colligere*, it is easier to gather *Sibylla*'s leaves. This name *Sibylla* is not a proper name, but an appellative,

l Fenest. de sacerd. c. 13.

m Serv. Æn. lib. 6.

n Mun. in sua Cosm. lib.

Credite me vobis folium recitare Sybyllæ.

o Epist. l. 2. epist. 1.

tive, common to all women endowed with the spirit of Prophecy, taking their domination from *p* θεὸς, which is in the *Æolick* dialect the same that Θεὸς, God, and βυλὴ, *i. e.* counsel, because they did open and declare the counsel and determination of God unto the people. It appertained also unto these *Quindecem-viri* above-mentioned, to see that sacrifice, and divine service, that supplications, and processions, expiations, and all ceremonial rites were duly performed.

p Serv. Æn. l. 6. θεὸς enim Deos, non θεὰς: & consilium non λαθὼ, sed βυλὰ, appellabant. Æolico genere sermonis. Lact. de falsa religione. l. 1. c. 2.

CAP. 13.

De Bona Dea, & Sacris ejus.

THis Goddess which is so famous by the name of *Bona dea*, is the Globe of the earth: which is therefore termed *Bona dea*, the good Goddess, because we reap so many good things from the earth. She is called also *Ops*, the helping Goddess, *ab ope*, from help, because by her help we live. She is called *Fatua*, and *Fauna*, *i. e.* the Goddess of speech; because young children do never speake until they are able to go, and so have touched the earth. The *Grecians* called her γυναικεῖα the female Goddess, because that no male might be admitted to her sacrifices; nay the very pictures of men were at that time to be covered. The inner room where her sacrifices were, was called τὸ γυναικῶν, the place for womens assemblies. *q* Those that were chief in these sacrifices, were the Vestal Nuns. This good Goddess was supposed to be the wife of *Faunus*, & upon a time to have been taken drunk with wine by him: for which fault *Faunus* was said to have beatten her to death with rods of Myrtle tree; but afterward being sorry for that he had done, in amends he made her a Goddess, and as it were ever after detesting the Myrtle tree, he hallowing all other herbs and flowers to be used in these sacrifices, forbad the Myrtle tree. Some say she was so chaste, that she was never seen by any man but by her husband; and in respect of her

q Cic. orat. de Aruſp. reſponſis.

her chastity, the Myrtle tree is forbid, because it was consecrated to *Venus*: but whereas in this sacrifice they used wine, they called it not by the name of wine, but milk or honey; r whence they called the vessel wherein the wine was put *Amphoram mellariam*, *i. e.* the honey vessel. This sacrifice became very famous by reason of *Clodius*, who being in love with *Pompeia*, *Julius Cæsars* wife, came unto these sacrifices in womans apparel, and was found out by *Aurelia*, *Julius Cæsars* mother. This *Clodius* became so infamous for this, and other his adulterous pranks, that he occasioned a common Proverb amongst the Romans, *Clodius accusat Mœchos*, answerable to which our English Proverb is, One Thief accuseth another.

r Alex. Gendier. l. 6. c. 8.

CAP. 14.

De Cybele, & Sacerdotibus ejus.

THe Goddess *Cybelle*, or rather *Cybelle*, was in her infancy exposed unto wild beasts, unto the hill *Cybellus*; where she being nourished by the wild beasts, afterward became a woman of admirable beauty, and being found by a shepherds wife, was brought up by her as her own child, and called *Cybelle*, from the hill *Cybellus*. She excelled in natural gifts, and was the first that used a Taber and Pipe, and Cymbals among the Greeks. Moreover she tenderly loved children, and therefore was called *magna mater*: she was also called *mater deorum*, the mother of the Gods;

Ipsa deum fertur genetrix Berecynthia Virg.

She was called *Rhea à ῥέω*, to flow, because she doth flow and abound with all kind of goodness. She was also named *Pessinuntia*, from the city *Pessinus* a Mart town in *Phrygia*, where she had a Temple. Moreover, she was called *Berecynthia*, from the hill *Berecynthus* in *Phrygia*, where she was worshipped. Her Priests were called *Galli*, and their chief governour *Archi-Gallus*; they took their name from a certain river in *Phrygia*, called *Gallus*; of which

f Pomp. Lætus de sacerd.

which whoſoever drank, he became ſo mad, that he would preſently geld himſelf, (as in truth all her Prieſts we reenjoyned to geld themſelves with a fiſh ſhell) the original of which cuſtom is rendred thus: *Cybelle* loved a young man of *Phrygia* called *Atys*, and him ſhe appointed chief overſeer for her ſacrifice, upon condition that he would keep himſelf chaſte perpetually: But he not long after deflowred a Nymph, for which fact *Cybelle* bereft him of his wits and underſtanding, ſo that he in his madneſs did geld himſelf, and would have killed himſelf alſo, *t* had not the gods in their commiſeration towards him, turned him into a Pine-tree. In remembrance of him ever after, her Prieſts were gelded. Every year the *Prætors* did ſacrifice unto this Goddeſs. But the performance of the holy and religious rites at that time did belong unto a *Phrygian* man and *Phrygian* woman, choſen for that purpoſe: Which according to the manner of their country being apparelled with a party-coloured garment, called in Latine *Synthefis*, or *Amictus variegatus*, and carrying the picture of their Goddeſs about with them in the ſtreets, they ſtruck their breaſt with their hands, keeping tune with the Tabers, Pipes, and Cymbals, which other people following plaid upon. The Prieſts were alſo called *Corybantes*, from one *Corybantus*, which was one of her firſt attendants; and hereupon we call the Cymbal *æra Corybantia*. In this manner dancing about the ſtreets, they begged money of the people whom they met: and hence were they named *Cybelle* her collectors, or her *circulatores*, *id eſt*, Juglers. Some called them *μητραγύρτας* from *μήτηρ*, which in this place ſignifieth *Cybelle*, called the great mother, and *ἀγύρτης*, a begger or gatherer of alms. *u* Others have called them *Mitricia*: But by what name ſoever they were called, the place was ſo infamous by reaſon of their drunkenneſs, and incivility uſed at theſe times, that when they would point out a notorious naughty fellow, they would call him *circulatorem Cybelleium*; *Cybelle*

t Cybellius Ætys Exuit hac hominem truncoq; induruit illo *Ov. Met.*

u Roſin. an. l. 3. c. 27.

belle her Jugler. Neither was it lawful for any free-born to undertake that office.

CAP. 15.

De Collegio Pontificum, & Pontifice Maximo.

THis word *Pontifex* is commonly translated a Bishop or Prelate, being called *Pontifices* in Latine, as also Pontifies in English, from one part of their office, which was to have the overlight of a great wooden bridge, called in Latine *Pons sublicius*, being so great, that Carts and waines might pass over it, having no arches to uphold it, but only great piles and posts of wood: *z* and that which is most remarkable in it, was that it was joyned together only with wooden pins, without any iron at all. Others are of opinion, that they were termed *Pontifices quasi Potifices*, from *potis* and *facio*, of which opinion *Lucan* seemeth to be, according to that, *Pontifices sacri quibus est commissa potestas*. Concerning the *y* number of them, only four were appointed by *Numa*, all which then were to be chosen out of the *Patricii*: afterward four more were added out of the Commons. These were called *Pontifices majores*, or chief Pontifies, to distinguish them from seven other, which afterward *Sylla* added, and *z* called them, *Pontifices minores*, inferiour Pontifies. The whole company of them was called the Colledge of Pontifies. This Colledge is priviledged from all allegiance, being not bound to render account of their doings either to the Senate or Commonalty. They were to determine all questions concerning Religion, as well between their Priests as between private men: they had authority to punish any inferiour Priest, if he either detracted or added unto those Religious Rites which were prescribed unto him. They had their Pontifie, whom they called *Pontificem Maximum*. These Pontifies were wont to exceed in their diet, insomuch that when the Romans would shew the greatness of a feast,

z Plutar. in Numa.

y Feneſt. de ſacerd.

z Roſin. ant. l. 3. c. 22.

feaſt, they would ſay it was *Pontifica cœna, i. e.* according to our Engliſh phraſe, a feaſt for an Abbot. *Cœna adjicialis* is taken for the ſame. *a Lipſius* in the expoſition of the latter phraſe taxeth the Printers negligence, and is of opinion, that it ſhould have been printed *Cœna aditialis*, underſtanding hereby a ſolemn feaſt made by Magiſtrates *in aditu honoris*, at their entrance into their office, and at their day of inauguration.

a Lib. 4. de maga. Rom. c. 9.

CAP. 16.
De Epulonibus.

THe Pontifies in old time appointed three men, whom they called *b Trium viros Epulonum*, (from *Epulum* a feaſt) to have the overſight of the feaſts made at ſacrifices; afterward by reaſon of two twice added, they were called firſt *Quinque-viri*, and at length *Septem-viri Epulonum*.

b Lazius de Repub. Rom. l. 3. cap.

CAP. 17.
De Titiis.

ANother ſort of religious men there were, which lived in the Suburbs of the City, and practiſed Sooth-ſaying; they were called *c Titii* from the name of the birds which they obſerved: which in Latine were called *Titiæ*.

c Pancirol. l. rerum deperdit. c. de mole Hadriani.

CAP. 18.
De Virginibus Veſtalibus.

NEar unto *Caſtors* Temple, ſtood the religious Houſe or Nunnery, dedicated to the Goddeſs *Veſta*: where at the firſt were four, after ſix Virgins, or Votaries elected, whoſe office was chiefly to keep the ſacred fire; the extinction whereof proved ominous, and did portend ſome evil event ſhortly to happen. And therefore for their negligence herein, as for all other ſmall faults, they being had into a dark corner, ſtripped naked, and a cur-

a curtain drawn half way over them, the chief Pomifie ſcourged them: neither was it lawfull to kendle the fire once put out, with any other fire, but from the Sunbeams; for which purpoſe they had certain inſtruments named *Θήκελα*, which were formed in the manner of a *pyramis*, but hollow; ſo that the beams being collected within the circumference, and meeting in the *vertex*, die eaſily kendle any combuſtible matter put into it; but chiefly if the matter was of black colour; becauſe, as Philoſophy teacheth, a dark colour doth congregate, or collect the beams, whereas whiteneſs doth diſperſe them.

[c] Plutarch. in Numa.

A ſecond part of their office was to work reconciliation between parties offended, as appeareth by [d] *Suetonius*, where we may read, that by their interceſſion *Sylla* was reconciled to *Cæſar*. They were choſen into this place between the ſixth and the eleventh year of their age: and they were to remain in this Nunnery thirty years ſpace, ten years to learn their ceremonies and myſteries, ten years to exerciſe them, and ten years to inſtruct others: within which ſpace if they had ſuffered their bodies to be defiled, they were to undergo that fearful puniſhment * afore mentioned, But theſe thirty years being expired, marriage was lawful for them; ſo that they laid aſide their ſcepters, their fillets, and other their ſacerdotal ornaments. Notwithſtanding thoſe which did marry, in the end died fearful deaths: whereupon they choſe rather to abſtain commonly. The Romans had them in great honour, ſo that they never walked abroad, but with an iron ſcepter in their hands, and whatſoever maleſactor met them (if the Nun would take her oath it was by chance) he eſcaped puniſhment. They were named *Veſtals* from their Goddeſs *Veſta*, which word (as [e] *Munſter* writeth) is derived from the Hebrew *Radix* ſignifying fire. The eldeſt was called *Maxima Veſtalis Virgo*, *i. e.* the Lady Prioreſs, or chief governeſs.

[d] Suet. in Julio.

* Vid. ſup. p. 14.

[e] Munſt. in ſua Coſmog. l. 2. c. 9.

CAP.

CAP. 19.

De veterum sacrificiis, & ritu sacrificandi.

WHatsoever was burnt or offered up unto the gods upon an Altar, it had the name of a sacrifice, and sometimes it was called *victima*, *quod victa ad aras stabet*, because the beast to be sacrificed stood bound unto the Altar; sometimes *Hostia*, from an obsolete verb *Hostio*, which is to strike, because certain under-officers called in Latine *Popæ* (standing by the Altars, all their upper part naked, and a Laurel garland upon their head) did *Hostiare victimam*, *i. e.* strike down and kill the sacrifice. Others are of opinion, that this name *Hostia* is taken from *Hostis* an enemy, according to that of *Ovid*, *Hostibus à domitis Hostia nomen habet*; because either before war, to procure the gods favour, or after war, in token of thankfulness, they did *hostiam ferire*, *i. e.* offer up the sacrifice. The second difference of sacrifices hath been occasioned in respect of the time, and so they have been called *præcidaneæ*, or *succidaneæ*, *quasi præcedaneæ & succedaneæ*. Those sacrifices which were offered up the day before any solemn sacrifice, were called *præcidaneæ hostiæ*, fore-sacrifices, as we English *præcursorem*, a fore-runner: which fore-sacrifices, if by any token they found unlucky, then would they offer up a second sacrifice which they termed *hostiam succidaneam*; and because these second sacrifices were to be offered only instead of the other, when they were unlucky or faulty, hence hath *Plautus* used this speech, *meum tergum stultitiæ tuæ subdes succidaneum?* Must I be whipped for thy fault? The manner of sacrificing was as followeth; Some certain dayes before any sacrifice was to be performed, the Priest was wont to wash his whole body, *f* especially his hands and feet, which if he had not washed, the sacrifice was accounted polluted: and alluding unto this custom, we say, a man doth

f Vid. Erasm. Adag.

doth *Accedere ad rem illotis manibus*, or *illotis pedibus*, as often as he enterpriseth any business without due reverence or preparation thereunto.

Μηδ' ἐπὶ δὶ λέχεσσιν ἀδυνέα ὄτρυν
Κρῖνειν ἀνίδρωτον. *Hesiod.* ἔργα καὶ ἡμ.

Moreover, the Priest was to abstain from his Marriage-bed, as likewise from divers kinds of meats, and at the time of his going to sacrifices, either himself, or some inferiour Sexton going before him with a rod or wand in his hand (called *commentaculum*) *g* used this form of words unto the people, *Hoc age*, attend this you are about: which custom seemeth to have had its original from the *Grecians*; For before the time of sacrifice, the *Grecian* Priest used almost the like speech unto his people, as τὶς τὶ δή, i. e. who is here? the people answered, πολλὸς καγαθὸς ἄνηρ. many men and good. After this preparation, then did the Priest, laying his hands upon the Altar, rehearse certain Prayers *b* unto the God *Janus*, and the Goddess *Vesta*, because the Romans were perswaded, that without their intercession, they might not have access unto the other Gods: his prayer being ended, then did he lay *i* upon the beasts head a little Corn, together with a Cake made of meal and salt, called in Latine *Mola*, *k* *Mola erat far tostum, sale aspersum.* From this ceremony the act of sacrificing hath been termed *Immolatio.* After this the Sooth-sayer drank wine out of an earthen or wooden Chalice, called in Latine *Simpulum*, or *Simpuvium.* It was in fashion much like our Ewers, when we pour water into the Bason. This Chalice was afterward carried about to all the people, that they also might *libare*, i. e. lightly taste thereof, which Rite hath been called *Libatio.* Now every one having tasted thereof, the rest of the Wine, with Frankincense mixt in it, was to be poured upon the beasts head, *m* between the horns, one crying out with a loud voice, *Macte esto hostia, i. e. magis aucta*, more increased and made more pleasing unto the Gods; as *Virgil* saith, *Macte nova*

Virtute

g Plutarch. Numa.

b Serv. Acc. lib. 1.

i Pancirol. l. rerum deperdit. c. de sale Ammoniaco.

k Textor. in sua officina Sparge salsa colla tauro rum mola. Sen. Oedip. Act. 2. scen. 2.

l Pancir. lib. rerum deperdit. c. de Ammoniaco sale.

m Media inter cornua fucdit. Virg. Æneid.

virtute puer, i. e. O good child which increaſeſt in vertue. And hence, even from this term, we may conjecture that the word *Mactо*, which ſignifieth to kill, and ſometimes to Sacrifice, hath had its original, becauſe they did immediately after that voice, *mactare hoſtiam*, that is ſlay the Sacrifice; and that was done in this manner; *n* Firſt the Prieſt did pluck off ſome of the beaſts hairs between the horns, and caſt them into the fire, calling them his *prima libamnia*, *i. e.* his firſt offerings: Then did he, turning his face towards the Eaſt, draw a long crooked knife upon the beaſts back, commanding his under officers, which I called *Popæ* (others *Cultarii* from their knife; *Victimarii*, from the hoaſt; and *Agones*, becauſe they ſtanding ready to give the ſtroak, often uſed this word *Agon*, for *Agone*, *i. e.* Muſt I to my work?) to kiſſ the beaſt. The other people ſtanding by, ſome did with veſſels ſave the blood, others did flea or skin the beaſt, others waſhed it. Anon, ſome Soothſayer or Prieſt did obſerve the entrails, turning and winding them with a knife, which was called *Seceſſita à ſecando*: for he might not touch them with his hand, they conceiting, that if the Sacrifice had proved polluted, his hand would then have periſhed. Now after the Soothſayer or Prieſt had ſufficiently turned the entrails, and found no ill token therein, then did thoſe *Popæ* or Church-butchers, cut off from every bowel ſome portion, which after they had rolled in barly meal, they ſent it in baskets to the Prieſts, and the Prieſts taking it up into a broad charger or platter, called *diſcus*, or *lanx*, laid it upon the Altar, and burnt it, and *o* this was properly termed *litare* or *reddere*, *i. e.* to Satisfie by Sacrifice, or to pay the Sacrifice which was owing unto the gods. After that the portion laid out for the gods had been burnt, then did all the people repair unto a common feaſt; where, as they were eating they ſung Hyms and Songs in the praiſe of their gods; and playing on Cymbals, they danced about the Altars, intimating thereby, that there was no part of their body,

n Roſin. ant. l. 3. c. 33.

o Joac. Camerar. pro. Fac.

but ſhould be imployed in the ſervice of their gods. Now untill all their Ceremonies and Myſteries were finiſhed, it was not lawful for any to taſt of this feaſt: inſomuch that we ſince have uſed to check a glutton, or greedy gut which cannot abſtain from his meat till grace be ſaid, in this manner, *Sacra haud immolata devorat.*

CAP. 20.

De Nuptiis, & nuptiarum renunciatione.

SEeing that Marriages and Burials have ſuch dependance upon the Prieſts, it will not be amiſs to conclude this Section with two Chapters, briefly opening the Ceremonies of both. Before we come unto the ſolemn Ceremonies uſed by the *Romans* in their Mariages, we will firſt ſhew the manner of their contracts, which were called by the *Romans* a *Sponſalia, à ſpondendo*, becauſe in their contracts each did promiſe other to live as man and wife. Now the manner of contracting was commonly thus: They did for the greater ſecurity, write down the form of the contact upon tables of record, as appeareth by *Juvenal*, *Sat.* 6.

Si tibi legitimis pactam, junctamq; tabellis
Non es amaturus———

Theſe tables were alſo ſealed with the ſignets of certain Witneſſes there preſent, who were termed from their act of ſealing, *Signatores*. Moreover, before they would begin the Ceremonies of their contract, the man procured a Soothſayer, and the woman another, with whom firſt they would conſult. Whence *Juvenal*, *Sat.* 10.

———Veniet cum ſignatoribus auſpex.

The token or ſign which theſe Soothſayers in time of obſerving accounted moſt fortunate, was a Crow: *b Ea enim cornicum ſocietas eſt, ut ex duobus ſociis altera extincta, vidua altera perpetuo maneat.* The man alſo gave in token of good will, a ring unto the woman, which ſhe was to wear upon the next finger unto the little finger of the left hand,

a Salmuth. in Pancirol. l. rerum deperdit. cap. de nuptiis.

b Alex. Genial. dier. l. 6.

hand, *c* becauſe unto that finger alone, proceeded a certain artery from the heart. The word *Nuptiæ*, which ſignifieth marriage, had its derivation *à nubo*, *d* which verb in old time ſignified to cover: the cuſtom being, that the woman ſhould be brought unto her husband with a *e* yellow vail (called *Flammeum*) caſt over her face. Again becauſe of the good ſucceſs that *Romulus* and his followers had in the violent taking away of the *Sabine* women, *f* they continued a cuſtom, that the man ſhould come and take away his wife by a ſeeming violence, from the lap or boſome of her Mother, or the next kin. She being thus taken away, her husband did diſſever and divide the hair of her head with the top of a ſpear, wherewith ſome Fencer formerly had been killed. This ſpear was called by him *Haſta cœlibaris*, *g* and the Ceremony did betoken, that nothing ſhould diſ-joyn them but ſuch a ſpear, or ſuch like violence. The next day after the marriage, a ſolemn feaſt was held, where all the Bride mans and Bride-womans friends met to make merry; this feaſt they called *Repotia*. We muſt note, that *h* three manner of wayes a woman became a mans lawful wife: *Uſu*, *Confarreatione*, *Coemptione*. A woman became a mans lawful wife, *Uſu*, *i.e.* by preſcription or long poſſeſſion, if that ſhe were wed with the conſent of her overſeers, and ſo did live with a man, as with her lawful husband, a whole years ſpace, *nullo interrupto uſu*, *i. e.* ſhe being not abſent from him three nights in the whole year: and ſome *i* have thought, that the counterfeited violence in taking away the Maid from her friends, was uſed only in this kind of marriage. A woman became a mans wife *confarreatione*, *i.e.* by certain ſolemnities uſed before a Pontifie, or chief Biſhop, when the woman was given unto the man, uſing a ſet form of wods, ten Witneſſes being preſent, and a ſolemn Sacrifice being offered, at which the couple married ſhould eat of the ſame barley cake which formerly had been uſed in the Sacrifice. Which Sacrifice was termed, *à farre*, *confarreatio*; and the marriage

c Aul. Gel.

d Roſin. ant. l. 5. c. 37.

e Plin. l. 21. c. 8.

f Sig. de jure Rom. l. 1. c. 9.

g Salmuth in Pancirol. lib. rerum deperdit. cap. de nuptiis.

h Brech. Topicor. 2 vid. Coel Rhod. l. 28. c. 17.

i Sig. de jur. Rom. l. 1. c. 9.

it self *Farracia*, [k] and sometimes *Sacra*, simply; the dissolution of this kind of marriage *Diffarreatio*. A woman became a mans wife, *Coemptione*, *i. e.* by buying and selling, when the woman did under a feigned form of sale buy her husband, by giving him a peice of coyn. *Veteri Romanorum lege, nubentes mulieres tres ad virum asses ferre solebant: atq; unum quidem, quem in manu tenebant, tanquam emendi causa marito dare.* [l] To these three some teach, that a fourth sort of marriage was in use among the *Romans*: Namely, when a woman became a mans wife, *Sortitione*, by a kind of Lottery: and of this they say, [m] *Sueton* speaketh. [n] In that kind of marriage which was *per Coemptionem*, the man was not named by his proper name, nor the woman by hers, but the man was named *Caius*, and the woman *Caia*, in the memory of the chast and happy marriage of *Caia Cæcilia*, wife to *Tarquinius Priscus*; from whence sprang a custom among them, that the new married wife, when she was brought home unto her husbands house, was to use this Proverb, *Ubi tu Caius, ibi ego Caia*, by which word she signified, that she was now owner of her husbands goods, as well as himself: and therefore *Erasmus* hath expounded that saying by these words, *Ut tu dominus, ita ego domina*; [o] And she that was thus married *per coemptionem*, was properly called *Mater-familias*. [p] If any of these Ceremonies were omitted, then was the marriage termed *Nuptiæ innuptæ*, in which sense we call our enemies gifts no gifts, Ἔχθρων δῶρα δῶρα. These ceremonies being ended, towards night the woman was brought home to her husbands house with five Torches, signifying thereby the need which married persons have of five gods, or Goddesses, *i. e. Jupiter, Juno, Venus, Suadela*, and *Diana*, who oftentimes is called *Lucina*, the reason of the name being rendred by *Ovid*.

——*Dedit hæc tibi nomina lucus,*
Aut quia principium tu Dea Lucis habes.

There are of opinion, who think that the use of these Torches

[k] Cic. orat. pro Muræn.

[l] Sig. de jur. Rom. l. 1. c. 9.

[m] Suet. in Tib. c. 35.
[n] Cic. orat. pro Muræn. Item Fr. Syl. ibid.

[o] Cœl. Rhod. l. 28. c. 17.
[p] Hier. Ferarius in Phil. pic. orat.

Torches was not only to give light, but to repreſent the element of fire: for no marriages were thought happy, which were not contracted *Sacramento ignis & aquæ*, for which reaſon the cuſtom likewiſe was, to beſprinkle the new married woman with water; yea, they did both in the time of their contract touch water and fire provided for that purpoſe. The ſignification of this ceremony, ſome think to be thus; The fire, becauſe it is an active element, to repreſent the man, The water, becauſe it is paſſive, to repreſent the woman. Others ſay, that in the community of theſe two elements, was intimated the community between man and wife, of all other their goods and poſſeſſions, which was more fully declared in that fore-quoted Proverb, uſed by the wife *Ubi tu Caius, ibi ego Caia.* The matter whereof theſe Torches were made, was a certain tree, from which a pitchy liquor did iſſue: it was called *Teda*, and hence have the Poets figuratively called both the Torches and the Wedding it ſelf *Tedæ*. When the woman had been thus brought to the door, then did ſhe anoynt the poſts of the door with oyle, *q* from which ceremony the wife was called *uxor quaſi unxor*. This ceremony of anointing being ended, the Brideman did lift her over the threſhold, and ſo carried her in by a ſeeming force, becauſe in modeſty ſhe would not ſeem to go without violence into that place, where ſhe ſhould loſe her Maiden-head. At her carrying in, all the company did cry out with a lould voice, *Talaſſio, Talaſſio*: for which cuſtom, *r Plutarch* alleadgeth many occaſions; this being one. Among thoſe who raviſhed the daughters of the *Sabines*, there were found ſome of the meaner and poorer ſort, carrying away one of the faireſt women; which being known, certain of the Citizens would have taken her from them, but they began to cry out, that they carried her to *Talaſſius*, a man well beloved among the Romans; at which naming of *Talaſſius*, they ſuffered her to be carried away, themſelves accompaning her, and often crying *Talaſſio, Talaſſio.*

Pancirol. lib. rerum deperdit cap. de Nuptiis.

q Serv. Æn. l. 4.

r Plutar. vit. Pompeii.

From

From whence it hath been continued a cuſtom amongſt the Romans, ever at their marriages to ſing *Talaſſio*, *Taaſſio*, as the Greeks did *Hymen*, *Hymenæe*. From this cuſtom of leading or bringing home of the new married Bride, cometh that Comical phraſe, *Ducere uxorem*, to marry a Wife. She being thus brought home, received the keys of her husbands houſe, whereby was intimated, that the cuſtody of all things in the houſe, was then committed unto her. ſ The marriage bed was called *Genialis lectus*, as we may ſuppoſe, *quaſi Genitalis*. t Sometimes it was called *Lectus adverſus*, *quod hunc lectulum religioſe ſervari mos fuit*, *& in atrio collocari januæ ex adverſo*, *i. e.* they placed this bed in the Court, directly oppoſite to their gate, keeping it as ſome religious monument or pledge of matrimony. The next day after the marriage, the Bride-woman received gifts of her friends, which the Lawyers term *Nuptiala dona*. u But *Cicero* expoundeth theſe *Dona Nuptialia*, to be certain tokens, which the husband ſent to his wife before the betrothing. If after the marriage any diſcontent had faln out between the man and his wife, * then did they both repair to a certain Chappel, built in the honour of a certain goddeſs, called *Dea viri-placa*, *à viris placandis*. Whence after they had been a while there, they returned friends. We have thus ſeen the Rites and Ceremonies which the Romans uſed in their contracts and marriages; it would not be impertinent to annex the manner of their divorcements, which upon juſt cauſes were permitted. x There were two manner of divorcements, the one between parties only contracted, the ſecond between parties married. The firſt was properly called *Repudium*, in which the party ſuing for divorcement uſed this form of words, *Conditione tua non utar*. The ſecond was called *Divortium*, wherein the party ſuing for it, uſed theſe words, *Res tuas tibi habeto: vel res tuas tibi agito*. Both theſe kinds were termed *Matrimonii renunciationes*, renouncing or refuſal of marriage. Where we muſt note, that inſtead of

ſ Alex. Gen. dier. l. 2. c. 5.
t Lipſ. Elect. l. 1. c. 17.
u Vid. F. Syl. pro Cluent.
* Sig. de jur. Rom. l. 1. c. 6
x Roſin. ant. l. 5. c. 38.

of this verb *renunciare*, divers good Authors do uſe this phraſe, *Mittere*, or *Remittere nuncium*: as *C. Cæſar Pompeiæ nuncium remiſit*, *C. Cæſar* hath divorced *Pompeia*. And alluding hereunto *y Cicero* ſaith, *Virtuti nuncium remiſit*, *i. e.* he hath caſt off all goodneſs, he hath even divorced vertue. Secondly, we muſt note, that this verb *Renuncio*, doth not only ſignifie to renounce or to refuſe, but many times in *Tully*, it ſignifieth to declare or pronounce a Magiſtrate elected, as *Renunciare Conſulem*, *Prætorem*, &c. The reaſon why in matrimonial contracts it ſignified to renounce or refuſe, was becauſe in theſe divorces they did ſometimes ſend to their wife, *per nuncium*: by a meſſenger, ſome bill or ſcrole of Paper, containing the cauſes of the divorce. Moreover we are to obſerve, that in theſe divorces, the Ceremonies were quite contrary to thoſe Marriages; the Juſt cauſes of being fore-ſignified to the Cenſors, the Marriage tables were broken, the dowry reſtored, the keys of the houſe taken from the woman and ſhe turned out of doors: all which Ceremonies are at large treated of by *Tho. Dempſter. l.* 5. *Antiq. Rom. c.* 38.

y Ep. fam. l. 5.

CAP. 21.

Quo apparatu, quibuſq; ceremoniis apud veteres defuncta corpora igni tradebantur.

THe Romans in ancient time, when they perceived a body dying, had ſuch a cuſtome, that the next of the kin ſhould receive the laſt gaſp of breath from the ſick body, into his mouth, as it were by the way of kiſſing him: (to ſhew thereby how loath and unwilling they were to be deprived of their friends) and likewiſe ſhould cloſe the eyes of the party being deceaſed. Whence *Anna* ſaid unto her ſiſter *Dido* now dying,

——— *z Extremus ſi quis ſuper halitus errat*
Ore legam———

z Virg. Æn. 4.

And *Penelope* wiſhing that her ſon *Telemachus* might out-

live

live her self and his Father, writeth to her husband in this manner, *Ille meos oculos comprimat, ille tuos.*

After the bodie had thus deceased, they kept it seven days unburied, washing the corps every day with hot water, and sometimes anoynting it with Oyl, hoping that if the body were only in a slumber, and not quite dead, it might by these hot causes be revived.

Per calidos latices alicna undantia flammis
Expediunt, corpusq; lavant frigentis & ungunt.

In these seven days space, all the dead mens friends met together now and then, making a great out-cry or shout with their voices, hoping that if the dead body had been only in a swoon or sleep, he might thereby be awaked. This action was termed *conclamatio*; Whence when we have done the best we can in a manner, and cannot effect it, we say proverbially *conclamatum est*, for this third conclamation or general out-cry, which was always upon the seventh day after the decease) was even the last refuge, at which if the body did not revive, then was it carried to burial, being invested with such a gown as the parties place or office formerly had required. Those who had the dressing, chesting, or imbalming of the dead corps, were called *Polinctores*: After they had thus embalmed the corps, they place it in a bed fast by the gate of the dead mans house, with his face and heels outward toward the street according to that of *Persius*;

——*Tandemque beatulus alto*
Compositus lecto, crassisque lutatus amomis,
In portam rigidos calces extendit——

Herewith accordeth *Homer*, speaking of *Patroclus* his Funeral.

Ὅς μοι ἐνὶ κλισίῃ δεδαϊγμένος ὀξέϊ χαλκῷ.
Κεῖται ἀνα πρόθυρον τετραμμένος —— *id. est.*

Qui mihi in tabernaculo confossus acuto ære
Jacet ad vestibulum conversus.

This ceremony was properly called *corporis collocatio*: and fast by this bed near the gate also was erected an Altar,

tar, called in Latine *t Ara*; upon which his friends did every day offer incenſe until the burial: The gate on the outſide was garniſhed with Cypreſs branches, if the dead man were of any wealth or note, for the poorer ſort by reaſon of the ſcarcity of the tree, could uſe no ſuch teſtimony of their mourning. t Alex. Gen. dier. l. 3. c. 7.

u *Et non plebeios luctus teſtata cupreſſus.* u Lucanus.

In the ſeven days ſpace, certain men were appointed to provide all things in readineſs for the funeral; which things were commonly ſold in the x Temple of *Libitina*, from whence thoſe providers were termed *Libitinarii*, though ſometimes this word *Libitinarius* doth ſignifie as much as *cupularis*, an old decrepit man ready for the grave. Upon the eighth day a certain Crier in the manner of a Bellman went about the Town to call the people to the ſolemnization of the funeral in this form of words; *Exequias y L. Tito E. Filio quibus eſt commodum ites. Jam tempus eſt. Ollus ex ædibus Effertur.* After the people had aſſembled themſelves together, the bed being covered with purple, or other rich covering, the laſt conclamation being ended, a Trumpeter went before all the company, certain poor women called *Præficæ* following after, and ſinging ſongs in the praiſe of the party deceaſed: where we muſt note, that none but the better ſort had a Trumpet ſounded before them; others had only a Pipe; z *Senatoribus & patriciis tubæ, minoribus & plebeiis tibiæ canebant ſitiçines*, this word *Siticines*, ſignifying either a Trumpeter or Piper, becauſe they did both *ad ſitos, i. e. mortuos canere*. Again, except it were one of the Senators, or chief Citizens, he was not carried out upon a bed, but in a Coffin upon a Bier. Thoſe that carried this bed were the next of the kin, ſo that it fell often among the Senators themſelves to bear the corps; and becauſe the poorer ſort were not able to undergo the charges of ſuch ſolemnities, thereupon were they buried commonly in the duſk of the evening, and hence *à veſpertino tempore*, thoſe that carri- x Alex. Gen. dier. l. 5. c. 16. y Roſin. ant. l. 5. z Alex. Gen. dier. l. 3.

ed the corps were termed *vespæ*, or *vespillones*. In the burial of a Senator or chief Officer, certain waxen Images of all his Predeceſſors were carried before him upon long poles or ſpears, together with all the enſigns of honour which he deſerved in his life time. Moreover, if any ſervants had been manumized by him, they accompanied the mourners, lamenting for their maſters death. After the corps, followed the dead mans children, the next of the kin, & other of his friends, *atrati*, i.e. in mourning apparel. From which act of following the corps, namely *à ſequendo*, theſe funeral rites have been termed *Exequiæ*, as *Donat* hath obſerved upon that of *Terence*, *Funus interim procedit, nos ſequimur.* which rites, becauſe they were performed as debts due unto the party deceaſed, hence were they alſo called *Juſta*. *Eò dicuntur juſta, quòd jure mortuis facti debent à vivis. Polid. de invent. l.6.c.9.* The corps being thus brought unto their great Oratory called the *Roſtra*, the next of the kin

a Suet. C. Jul. Cæſar, c. 6.

a *laudabat defunctum pro roſtris*, i. e. made a funeral Oration in the commendation principally of the party deceaſed, but touching the worthy acts alſo of thoſe his Predeceſſors, whoſe images were there preſent. The Oration being ended, the corps was in old time carried home again in manner as it was brought forth.

Sedibus hunc referente ſuis & conde ſepulchro.

But afterward by the law of the twelve tables, it was provided, that no man beſides the Emperour and Veſtal Nuns ſhould be buried within the City, though ſome upon eſpecial favour have obtained it. The manner of their burial was not by interring the corps, as in former

b Salmuth. in Pancirol. lib. 2. tit. de perdit. de exequiis.

times it had been, but burning them in a fire, b the reaſon thereof being to prevent the cruelty of their enemies, who in a mercileſs revenge would at their conqueſts dig up the buried bodies, making even the dead alſo ſubjects of their implacable wrath. This fire before the burning was properly called *Pyra*; in the time

c Serv. Æn. 5. that it burned, it was called *Rogus*, c *quod tunc temporis*

Rogari

Rogari ſolerent Manes; after the burning, then was it called *Buſtum*, *quaſi bene uſtum*. This *Pyra* was alwaies built in form of a Tabernacle, as it is * above more at large to be ſeen; whether after the dead man had been brought, his friends were wont to cut off one of his fingers, which they would afterward bury with a ſecond ſolemnity. The charges at funerals growing by this means to be doubled, the law of the 12. Tables provided in theſe words, *Homini mortuo oſſa ne legito*, &c. that no mans finger ſhould be cut off, except he died either in the war, or in a ſtrange country. Where we muſt obſerve, that *lego* in this place doth ſignifie as much as *adimo* or *aufero*, in which ſenſe we call him *ſacrilegum*, *qui legit*, i. *qui adimit & auferr ſacra*. After the dead body had been laid upon the *Pyra*, then were his eyes opened again to ſhew him heaven, if it were poſſible, *d* and with all an half-penny was put in his mouth, they ſuperſtitiouſly conceiting that that half-penny was *naulum Charontis*, the pay of *Charon* the ſuppoſed ferry-man of Hell, who was to carry mens ſouls in his boat over the *Stygian* Lake after their deceaſe. About this *Pyra* were firſt many boughs of Cypreſs trees to hinder the evil ſcent of the corps to be burned. The dead body being thus laid upon the *Pyra*, the next of the kin turning his face averſe from the *Pyra*, did kendle the fire with a torch: After this, commonly certain Fencers hired for this purpoſe did combate each with other, till one of them was killed, they were termed *buſtuarii* from *buſtum*. The blood of thoſe that were ſlain, ſerved in ſtead of ſacrifice to the infernal Gods, which kinde of ſacrifice they termed *Inferiæ*. *e* *Inferiæ ſunt ſacra mortuorum quæ inferis ſolvuntur*. Anon after the body had been burned, his neareſt friends did gather up the aſhes and bones, which being waſhed with milk and wine, were put into certain Pitchers called *urnæ*: whence this word *urna*, is often uſed by the Poets, to ſignifie a Grave or Sepulchre, as

——*Una requieſcit in urna*: *Ovid. Met. lib.* 4.

* Vid. ſup. p. 32.

d Alex. Gen. dier. l. 3.

e Servius.

Though properly *ſepulchrum* was in old time a vault or arched roof, round about the Walls whereof were placed certain coffins called *loculi*, within which thoſe former *urnæ* were laid up and kept, namely, two or three in each coffin. Now theſe funeral ſolemnities were commonly towards night, inſomuch that they uſed torches; theſe torches they properly called *g funalia à funibus cera circundatis, unde & funus dicitur.* *h* Others are of opinion, that *funus* is ſo ſaid from the Greek word φόνος, ſignifying death or ſlaughter. The bones of the buried body being thus gathered up, then did the Prieſt beſprinkle the company with clean water thrice, and the eldeſt of the mourning women called *Præficæ*, with a loud voice pronounced this word *Ilicet*, thereby diſmiſſing the company, (the word ſignifying as much as *Ire licet*;) Then preſently did the company depart, taking their farewel of the dead body in this form of words: *Vale, vale, vale; nos te ordine quo natura permiſerit ſequemur.* If any of theſe ceremonies had been omitted, *i* then was it termed *ſepultura inſepulta*, in the ſame ſenſe as *nuptiæ* formerly were termed *innuptæ*. The old and aged men were invited, after the burial, to a feaſt, or funeral banquet, called *ſilicernium k quaſi ſilicænium*, i. e. *cæna ſupra ſilicem poſita*, their cuſtom being to eat that feaſt upon an Altar of ſtone; and becauſe this feaſt was only eaten at funerals, and by the elder ſort, *l* hence figuratively this word *ſilicernium* doth ſometimes ſignifie an old cripple ready for the grave. The poorer people in ſtead of a feaſt, received a dole or diſtribution of raw fleſh: this dole was termed *Viſceratio*. Moreover this was a potation, or drinking of wine after the burial, called *Murrata*, or *Murrhina potio*, which afterwards the law of the 12. Tables for the avoiding of expences did prohibit, as likewiſe for the moderating of grief in the mourners, it did prohibit the uſe of this word *Leſſum*, [*Neve leſſum funeris ergo habento*] for that word was often ingeminated in their mourning as a doleful ejulation, or note of

f Roſin. an. l. 6.

g Servius in Æneid. l. 1.

h Hubcain Ci. ep. fam. l. 4.

i Hier. Ferarius in Cic. orat. Philip.

k Servius in Æneid l. 5.

l Antefig. in Ter. Adelph. Act. 4.

of inward sorrow. This sorrowing or mourning was in some cases utterly prohibited, in others limited; namely, an Infant dying before he was three years old, should not be mourned for at all; because he had scarcely yet entred into this life. Elder persons were to be mourned for so many dayes as they were years old. Wives were permitted to mourn for their husbands (*Alexander* addeth also children for their fathers) ten moneths, if they would, within which time the widow could not marry another husband without infamy and discredit. *Polyd. de Inven. l. 6. c. 9.* Here we may with *Revardus* observe a distinction between *Lugere* and *Elugere*; *Lugere* signifieth no more than to mourn some part of the time prescribed, *Elugere* to mourn the whole and full time.

m Alex. Gen. dier. l. 3. c. 7.

LIB.

LIB. II. SECT. III.

Of the Roman *Games.*

CAP. I.

De ludis Megalenſibus.

THe Playes uſually exhibited by the Romans, may be divided into three ſorts; ſome were *Ludi ſacri*, others *Honorarii*, others *Ludicri*. Thoſe were termed *Sacri*, which were inſtituted immediately to the honour of the Gods: Such were theſe that follow in their ſeveral Chapters. *Megalenſia ludi*, they are called ſimply *Megaleſia*, from the Greek word μέγας, ſignifying *Magnus*, becauſe they were performed in the honour of *Cybille*, called *Magna mater*: of which I have ſpoken formerly, and there alſo diſcovered the manner of this feaſt. Only here take notice of that which is not mentioned there, namely, that theſe Games began *à pridie Nonas Aprilis*, i. e. on the fourth of *April*, and continued ſix dayes after: as appeareth by divers Authors, but more eſpecially by *Ovid*, who could not eaſily be corrupted, *Ovid. Faſt. lib. 4.* He having ſpoken of the riſing of the *Pleiades*, which is on the ſecond of *April*, addeth,

Ter-

Ter ſine perpetuo cœlum verſetur in axe,
Ter jungat Titan, terq; reſolvat equos,
Protinus inflexo Berecynthia tibia cornu
Flabit, & Idæa feſta parentis erunt.

This I note, that the errour crept into *a Livi* may be obſerved, who treating of the matter in hand, ſaith, *Eadem victoria, quæ eſt in Palatio, pertulere Deam pridie Idus Aprilis, iſq; dies feſtus fuit: populus frequens dona Deæ in Palatium tulit; Lectiſternium, & Ludi fuere, Megaleſia appellata.* That is, that theſe Plaies were celebrated upon the twelfth of *April.* But in the judgement of many Expoſitors, we are to read *Pridie Nonas*, for *Pridie Idus.* Moreover, ſervants might not be ſpectators here. And becauſe the *Prætors* did frequent theſe ſports in their purple and beſt robes, *b* hence grew that Proverb *Purpura Megalenſis.* To the younger ſort at this time, liberty was granted to counterfeit all mens geſtures and ſpeeches, without diſtinction of degree or age. *c* They were ſometime termed *Ludi ſcenici*, though properly, *Ludi ſcenici* ſignifieth Stage-plaies, and were performed in the honour of *Bacchus.*

a Liv. l. 29.

b Ant. Conſt. in Ovid. Faſt. l. 4.

c Jul. Scalig. Poet. l. 1. c. 29.

CAP. 2.
Ludi Cereales.

THat theſe Games were performed in the honour of *Ceres*, is by none doubted. In them was repreſented by the *Roman* Matrons, *Ceres* her lamentation for her daughter *Proſerpina*, taken away by *Pluto*, the *Roman* men beheld theſe plaies in white gowns: the women performed the ſacred and holy Rites in a white garment alſo. Among whom it was obſerved, that then they thought their ſervice grateful to the Gods, when it was performed by thoſe that were joyful, and free from all funeral pollutions. At this time there was a ſolemn going in proceſſion, and carrying about their Gods in the Cirque, this ſolemnity was properly called *Pompa.*

Circus

Circus erat Pompa celeber, numerique Deorum,
Primaq; ventosis palma petenda equis,
Hic Cereris ludi, &c. Ovid. Fast. l. 4.

The manner of this solemn shew, which as I noted, was properly called *Pompa*, is described *d* thus by its particulars; that there was *Simulachorum series, imaginum agmen, currus, thensæ, armamaxæ, sedes, coronæ, exuviæ*, i. e. *Finis*, in this solemn procession were carried about the Images of the Gods. *Secondly*, the Images of well deserving men. *Thirdly*, Chariots led up and down for greater state and magnificence; unto this *Virgil* alludeth:

Hic illius arma
Hic currus fuit.

Fourthly, Pageants, so I interpret *Thensæ*, which were so called *quasi tensæ à tendendo*, as *e Ascanius* noteth, because they were carried up and down by the help of certain ropes, which to touch they counted a point of Religion. *Fifthly*, horse-litters, for that these *armamaxæ* were not Chariots, or Waggons, appeareth by him. *f Qui ex curru in armamaxam deponebatur.* They seem to have been of a compounded form, in part like Chariots, called ἅμαξαι, in part like Wains, called ἅμαξαι, and thence ἁρμαμαξα hath its appellation, ἁρμαμαξα inquit Phavorinus, ἡ, ὡσεὶ ἁρμῶν καθέδραν κατεσκευασμένη ἁμαξαδίου ἅρμα χαμαξαὶ ἁρμαμαξα ἁρμαμαξά τις ἔσα ἢ ἄγουσα τὰς ἁρμούς. In which words, besides the Etymologie expressed, the use hereof is declared to be for the carriage of men. That as the Chariots went empty for greater magnificence, and as in their Pageants were carried the *Simulachra Deorum*, according to that, *g Thensæ Deorum vehiculum*, so in these Horse-litters were carried men; or rather that same *agmen imaginum*, which was the second particular. *Sixthly*, Chairs of State. *Seventhly*, Crowns. *Lastly*, Spoils taken from their enemies. These three last I take to have been used chiefly and principally in the *Roman* supplications, or publick thanksgivings for any greater victory: the custom being in such shews, when they came to such and such remarkable

d Tert. de spect. c. 7.

e Vid. Franc. Jun. annot. in Ter. de spect. It. de tensis vi. Turneb. 26, 27.

f Herod. 17.

g Alex. ab. Alex. l. 2. c. 30.

remarkable places in the Cirque, to pitch a certain chair adorned with Crowns of Victories, and spoils taken from the enemy, reputing it not the least office, *b* thus to honor their Emperor, though absent; with the Prerogative of such a Chair. Now in the preparation to this particular shew, we read that an egg was especially provided. It is observed by *c* many out of *Macrobius*, whose words are, *Ovum, in Cereali Pompæ apparatu numerabatur primum.* The observation is general, but the reason thereof, *Inter arcana Cereris*, quite suppressed, and by none that ever I could meet with yet explained: if my conjecture may satisfie in a matter so obscure, conceive it thus: These pompous shews were various, and in the honor of divers gods, and accordingly the *Romans* made choice in every such solemnity, of some one principal thing in their shew, unto which the glory of the present solemnity should in a more especial manner belong. Thus in the *Pompa Circensis*, which was celebrated in the honor of the *k* Sun, great horses were led up and down for greater state; *l Quia equis, & equestribus exercitamentis Sol præesse credebatur superstitione antiquissima.* Hence the Cirque place it self was called τὸ ἱππικὸν, & ἱππόδρομον. After this same manner in this *Pompa Cerealis* (which was also sometimes called *Circensis*, from the place where it was exhibited) an egg was chiefly and pribcipally provided: for seeing that under the name of *Ceres*, this solemnity was performed to the *Earth*, how could the *Earth* be more honored, than by bearing about the Hieroglyphick of the whole World? as if they did intimate thereby, that even Heaven it self was beholden to the *Earth*:

——— Pecori frondes, aliæque ex arbore fœtus
Humano generi, vobis quoque thura ministrat. Ovid. l. 2.

And such an Hieroglyphick *m* Cælius Rhodiginus proveth an egg to be, partly from its circular and Globe-like form, partly from the matter whereof it consisteth; the hard shell resembling the solid earth, the more spiritu-

b Vid. Isaac Causaub in Sueron. Jul. c. 76.

c Hosp. de orig. fest. Rosin. l. 5. c. 14. Alex. ab Alex. l. 6. c. 19.

k Solis honore novi grati spectacula Circi
Antiqui sanxere patres. Corrip. Afric. l. 1. c. 17. vid. Dempst.

l Franc. Jun. annot. in Tert. de spect. c. 8.

m Cæl. Rhod. l. 27. c. 17.

ous part thereof, the air; the moist and liquid part, the water; the yolk, the element of fire; yea, he noteth also, as there is *in mundo*, so likewise, *in ovo vis vitalis*, a kind of quickning and enlivening power in both. Otherwise if this opinion give not content, we may interpret the carrying about of the egg, to be in the honour of *Castor* and *Pollux*: for as there were marks, or goals in the Cirque, some in the form of *Dolphins*, in the honor of *Neptune*; so there were others *n* ἀυτῷ συμμηκεσι marks of a long roundness in form of an egg, in memory of *o Castor* and *Pollux*, which were *ovo editi*, according to that of *Horace*;

n Dion. l. 49.

o Tertul. de spect. c. 8.

Ovo prognatus eodem. Hor. Serm. 2. Sat. 1.

For the same reason haply it was, that an egg was at this time carried up and down, as the chief and principal Ensign.

CAP. 3.

Ludi Floralej.

THese games or sports were instituted in the honour of the Goddess *Flora*, that she being therewith appeased, the earth might bring forth flowers and fruits in great abundance. Of the Goddess it hath been spoken before. The time of the year when these sports were observed, *p* was upon the four last days of *April*, and the first of *May*, whence is that of *Ovid, Fast.* 5.

p Alex. ab Alex. l. 6. c. 8.

Incipis Aprili, transis in tempora Maii;
Alter te fugiens, cum venit alter, habet.

The manner thereof was, that shameless strumpets did then run up and down the streets naked, using many lascivious and obscene gestures and speeches: they were called together by the sound of a Trumpet, unto which *Juvenal* alludeth,

Dignissima prorsus
Florali matrona tuba.

Moreover, whereas in other games, Bores, Lions, and Bears

were publickly baited, to recreate the ſpectators; here only Goats and Hares, and ſuch milder beaſts were hunted, becauſe the Goddeſs *Flora* had not the cuſtody of Woods and Forreſts, where the wild beaſts ranged, but Gardens and Meadows. At this time alſo Elephants were brought forth into the publick view of the people, which were taught *r* to walk on ropes; and that there is an aptneſs in Elephants to go forward and backward on ropes, *ſ* *Pliny* teſtifieth.

q Hoſ. de orig. feſt.

r Suet. in Gal.

ſ Plin. l. 8. c. 3.

CAP. 4.

Ludi Martiales.

OF theſe ſpots there is not much ſpoken: *t* they were obſerved upon the firſt of *Auguſt*, becauſe on that day the Temple of *Mars* was conſecrated. They were firſt inſtituted *u* by *Numa Pompilius*.

t Dion. l. 60.

u Tertul. de ſpect. c. 5.

CAP. 5.

Ludi Apollinares.

THere was an ancient Poet called *Martius*, *x* out of whoſe writings, as likewiſe out of the *Sybilline* Oracles, the Romans were admoniſhed to dedicate certain Games to *Apollo*. At the firſt celebration of them, *y* it is reported, that aſudden and unexpected invaſion of enemies inforced the Roman people to forſake their ſports, and to betake themſelves to weapons: in which time of their diſtraction, a cloud of Darts and Arrows was ſeen to fall upon their enemies, ſo that they preſently returned Conquerors unto their ſports, where *z* at their return they found one *C. Pomponius*, an old man, dancing to a Minſtrel, and being very joyful, that their ſports had been continued without interruption, they cryed forth, *Salva res eſt, ſalta Senex.* Which ſpeech after became proverbial, and is fitly uſed, when a ſudden evill is ſeconded with a good event, beyond hope or expectation.

x Liv. lib. 5. dec. 3.

y Macrob. l. 1. Sat. c. 17.

z Suet. Pom. Feſt. vid. Hoſ. de orig.

CAP. 6.

De ludis Romanis, qui & magni, & Conſuales, & Circenſes dicti.

THeſe ſolemnities are ſometimes called *Romani ludi*, becauſe of their antiquity amongſt the *Romans*, being firſt inſtituted by *Romulus*; ſometimes *Magni ludi*, either becauſe of the great charge and expence of mony at that time, or becauſe they were performed in the honor of their great God *a Neptune*, called alſo *Conſus*, becauſe he was reputed the God of ſecret *Counſels*, whence the ſolemnities themſelves are ſometimes called *Conſualia*: whereas many of the *Roman* Temples, for certain myſterious ſignifications, had their peculiar manner of building, *b Servius* noteth that the Temple in the great Cirque, dedicated to *Conſus*, was covered, to ſignifie that Conſuls muſt be ſecret and concealed. Likewiſe for the ſame reaſon, *c* his Altar was made under the earth, not appearing in publique view, ſave only in the time of theſe ſolemnities exhibited. The chief ceremonies uſed at this time, conſiſted in the adorning of their horſes, and Aſſes with garlands, wherein they thought that *Neptune* was honored, who was the firſt Author and inventor of horſe-riding: hence *Neptune* himſelf is called *d* ἱππιος. This feſtival was firſt inſtituted by *Evander*, in the honor of *Neptune*, under the name of ἱππιος, and *e* thence the feaſt was called ἱπποκρατια. Afterward it was renewed by *Romulus*, in the honor of *Neptune* likewiſe, but under the name of *Conſus*, becauſe *Romulus* needed a God of Counſel to aſſiſt him in that deſignment of his, for the violent taking away of ſo many *Sabine* women, as were taken away at the firſt celebration of theſe games. The reaſon of *Romulus* his inſtitution of them, being no other but that upon the fame of theſe new ſports, many *Sabine* women flocking thither to be ſpectators, his project might be the ſooner effected. Theſe and the Cirque ſhews,

a Tert. de ſpect. c. 5.

b Serv. in Vir. Æn. l. 8.

c Alex. ab Alex. l. 5. c. 26.

d Vid. Suid.

e Dion. Hal. lib. 2.

shews, so often mention'd in ancient Authors, at first were all one, as appeareth by that of *f Valerius*. *Ad id tempus Circensi spectaculo contenta erat civitas nostra; quod primus Romulus raptis virginibus Sabinis Consualium nomine celebravit.* Touching these Cirque-shews, some are of opinion, that they were performed in the honor of *Ceres*; this *Julius Scaliger g* dilliketh, and he is of opinion, they were celebrated in the honor of *Neptune*: others are of opinion, they were instituted in the honor of the *Sun*. All opinions may be reconciled, if we understand first, those Authors who ascribe these Cirque-shews to *Ceres*, to speak of the *Cereales Ludi*, which we read somtimes to be called *Circenses*, because they were exhibited in the Cirque. Secondly, if we distinguish the *Pompa Circenses*, from the *Circenses Ludi*, and from the *Cereales ludi*: the *Cereales ludi*, were instituted in the honor of *Ceres*; the *Circenses ludi*, in the honour of *Neptune*; the *Circensis Pompæ* in the honor of the *Sun*. And furthermore, for the full understanding hereof, we must know that the horses brought into the Cirque at this time, were of two sorts: some were only ornatus, such as were led up and down for shew and state; I understand *Alex ab Alex.* to speak of these horses, when he saith *b* horses were consecrated to the Sun: nay I understand those horses mentioned, 2 *King.* 23. to have been of the like superstitious invention, where it is said that *Josuah* did put down the horses given to the *Sun*, and the *Chariots of the Sun*. That practice I say hath near affinity with this of the *Romans*, but I think it to have been originally derived to the people of *Judah*, from the *Persians*, who also accounted them holy to the Sun; *i* and the *Persian* King when he would shew himself in great state, caus'd an exceeding great horse to be led up and down, which was called *Equus Solis*. Other horses were for exercise and race, we may call them *Cursus*, the institution of these I suppose to have been in the honor of *Neptune*. The prizes of masteries exercised in time of this Cirque shew were many; fencing,

f Val. Max. l. c. 4.

g Jul. Scal. l. poet. c. 32.

b Alex. ab Alex. l. 3. c. 12.

i Cœl. Rhod. ant. l. 8. c. 2.

and

and that untill one of the combatants were killed in the place; fighting with beasts; wrestling, running of races on foot: jumping, and leaping; horse-racing; sea-skirmishes exhibited in some river, coach-races, & fighting at whorlebats. Howsoever the nature and manner of these games are in some measure understood by the very names; yet a more large discourse concerning the two last, will be very behoveful, for the more full understanding of the *Roman* history. These coach-races, when this manner of race was first instituted, were divided into two companies, which they termed, *Factiones Albas & russeas*, distinguishing each faction or company by the different color of their *k* coats. Afterward they were divided into four companies, distinguish'd always by their colors, whence came that distinction, *Factiones Prasinæ, Venetæ, Russatæ, Albatæ*, which colours may thus be Englished: The first signifying a deep green: the next a kind of russet inclining to red: the third a *Venice* blew, or Turkey colour: and the last a perfect white. Of these *l Tertullian* speaketh as followeth, *Aurigis coloribus idololatriam vestierunt, & ab initio duo soli fuerunt, albus & russeus. Albus hyemi ob nives candidas, russeus æstati ob solis ruborem voti erant: sed postea tam voluptate, quam superstitione provecta russeum alii Marti, alii album Zephyris consecravernnt: Prasinum vero terræ matri, vel verno: Venetum Cælo & mari, vel autumno.* As the Emperor, so the people sometimes favoured one faction or company, sometimes another: & accordingly as they favoured the company, they would lay wagers on their side, which wagers they termed by a peculiar name *Sponsiones*; thus *m Turnebus* interpreteth *Tertullian*, where he saith, that the people flockt to these races, sometimes for one reason, sometimes for another, but sometimes *n Sponsionibus concitatus, i. e.* stirred up with a desire of betting, or laying wagers. To these four *o Domitian* in his time added two other companies, the one wearing cloth of gold, the other of purple; but these latter remained not long in use. Their fighting at whorlbats they

k Hen Salm. in Pancir. c. de Cir. max.

l Ter. de spect. cap. 9.

m Turneb. ad l. 8. c. 4.

n Tertul. de spect. c. 6.

o Suet. in Domitian, c. 7.

they termed *bellare ceſtu.* The manner of the fight conceive thus; the combatants had in each hand a ſtrap of leather, withwhich each ſtruck at the other (for we muſt know, that this kind of fight ſucceeded fiſticuffs; and becauſe in fiſticuffs the party ſtriking, did by the blow as well hurt his own fiſt, as he did him that was ſtrucken, hereupon they invented this other kind of fight with leathern ſwitches) theſe leathern ſwitches they called *Ceſtus*, from the Greek κεστὸς, ſignifying a belt or girdle; to make the fight more dangerous, they did in after-times tie pieces of Lead, or Iron, at the end of theſe leathern ſtraps, ſo that they did with the force of the ſtroke, often daſh out one anothers brains; and becauſe by the weight of the Lead or Iron, the Strap might chance to fly out of their hands, they cauſed each ſtrap to be tied faſt to their arms & ſhoulders, neither was this without reaſon; for thoſe Iron or Leaden pieces could not but be very weighty, being made in the bigneſs and *q* form of Rams Horns. Laſtly, theſe Cirque ſhews had their appellation *Circenſes*, either from the great Cirque, or ſhew place, called *Circus Max.* where the games were exhibited; or from the ſwords wherewith the players were enviroined, as one would ſay *Circa enſes.* They much reſembled thoſe *Grecian* games called *certamina Olympica*, where the runners with Chariots were hem'd in on the one ſide with the running river, on the other with ſwords pitched point wiſe, that they ſhould hold the race on directly & not ſwerve aſide without danger, *r* Some have thought them to be the ſame with *ludi Gymnici*, ſo called from γυμνὸς, naked; becauſe that thoſe which did perform thoſe kinds of exerciſes, did either put off all, or the greateſt part of their cloaths, to the intent that they might the more readily and nimbly perform their games; for which purpoſe they did alſo anoint their bodies with oil; whence we ſay, when a man hath loſt his coſt & labor *Operam & oleum perdidiſti*, oleum in this place ſignifying coſt & charges;

p Jul. Scal. lib. poet. c. 22.

q Aldus Manut. l. 2. de queſt. per. epiſtolam, ep. 8. vid. Roſin. ant. l. 5. c. 5.

r Roſin. ant. l. 5. c. 5.

charges: so that the proverb was the same with that of the Coblers Crow, *Opera & impensa periit.*

CAP. 7.

Ludi Capitolini, & Agones Capitolini.

r Liv. dec. 1. & lib 5.

THe first institution of these games r *Livy* sheweth, where likewise, he intimateth the reason why they were called *Capitolini*, to have been in the honor of *Jupiter Capitolinus*, because he preserved the *Capitol*, when it was assaulted by the *Gauls*: we must distinguish these games from those other shews called *Agones Capitolini*, instituted by *Domitian*: For those *Ludi* were exhibited yearly, s these *Agones* every fifth year: In those was celebrated the deliverance of the *Capitol*: In these Rhetoricians, and Poets, and men of other professions contended for the victory: and hence t *Rosinus* thinketh the *Poets Laureat* to have taken their beginning. He is likewise of opinion, that *Juvenal* alludeth unto these solemnities.

s Sueton. in Domit. c. 4.

t Rosin. ant. l. 5. c. 18.

——*Sed cum fregit subsellia versu,*
Esurit, intactam Paridi nisi vendit Agaven. Sat. 7.

Although the allusion may be granted, yet herein I think *Rosinus*, though otherwise learned, to have been mistaken, in interpreting *Fregit subsellia*, by *Non sistit*, *Excidit*, or *Non placuit*: as if the Poet of whom *Juvenal* speaketh, had been conquered at this time. In my opinion neither will the purpose of *Juvenal*, nor that phrase of speech admit that construction. Not the purpose of *Juvenal*; for the scope and drift of that Satyr, is to shew that be the Poet never so pleasing, or let him give full satisfaction to the people, yet he shall receive no benefit thereby, but a vain and empty applause, so that he shall be compell'd to sell those very Poems which are received with so general an approbation, to buy victuals, and prevent hunger. Neither doth that interpretation agree with that phrase: for *Frangere subsellia*, doth rather on

the

the contrary, ſignifie the vehement acclamation given by the people in approbation of the Poem; it being a Poetical elegancie, to expreſs the vehemencie and greatneſs of the applauſe. *u Sidonius Apollinaris* uſeth the ſelfſame phraſe, *Hunc olim perorantem, & Rhetorica ſedilia plauſibili oratione frangentem, ſocer eloquens ultro in familiam patriciam aſcivit.* Neither is that of *Virgil* unlike:

Et cantu querulæ rumpunt arbuſta cicadæ.

Yea, the *Grecians* uſed the ſame manner of Speech, *x* κροτεῖν τινα ἀπὸ τοῦ θεάτρου, ὑπὸ τῶν Κρίτων, καὶ τῶν Καίσαρος. So that hereby I think the Poet underſtandeth that *Grande ſophos*, ſo often mentioned by *Martial*; it being a uſual cuſtom amongſt the *Romans*, to ſignifie the approbation of their Orator or Poet, by the loud acclamation of σοφὸς or ἀριστος. Unto which *Horace* alludeth, *de Arte Poet.*

—— Clamabit enim pulchrè, benè, rectè.

But to return whence we have digreſſed, theſe later ſolemnities were of ſuch note, that whereas the *Romans* formerly made their computations of their greater year, called *Annus magnus*, by their *Luſtra*, *y* now they made it by theſe *Agones Capitolini*. Again, we muſt diſtinguiſh theſe *Agones quinquennales* inſtituted by *Domitian*, from thoſe *Ludi quinquennales* inſtituted by *z Auguſtus Cæſar*, in memory of the victory which he got againſt *Antonius* upon the Promontory *Actium*, whence they were called *Actiaci Ludi*.

u Sidon. Ap. lib. 5 Epiſt. ad Sapand.

x Polyb. in hiſt. 15.

y Moſpin de orig. feſt.

z Sueton. Aug. cap. 18.

CAP. 8.

De Ludis Secularibus.

Authors agree not upon the juſt period of time when theſe ſecular games were to be renewed: ſome are of opinion that they were to be celebrated every hundredth year; ſome every hundredth and ten, ſome once only in three hundred; but in this all agree, that they were named *ſeculares* from *ſeculum*, which ſignifieth at

Herodian l. 3. in vita Sever.

a Rosin. ant. l. 5 c. 1.

least an hundred years *a sæculum in centum annos extendi existimabant*; Because the full and compleat age of man, might extend it self to the hundredth year, and seldom to any above an hundred: thence it was, that the form of words used by the publike Cryer in proclaiming these Games, was, *b Venite ad Ludos quos nemo mortalium vidit, neque visurus est.* Unto which *c Ovid* alludeth, *Trist. l. 2.*

b Pol. Virg. de invent. l. 8 c. 1
c Ovid. Trist. lib. 2.

——— *Carmina* ———
Jusserat & Phœbo dici, quo tempore ludos
Fecit, quos ætas aspicit una semel.

But the Emperors being ambitious of honour, and desirous to be spectators of the Games in time of their own Reign, they did often anticipate the time. *Claudius Cæsar* among the rest, proclaimed them within *d* sixty three years after *Augustus* had observed them; which occasioned the people to deride his Cryer, inviting the people to those shews and sports, which no man living either had seen, or should see again: because *e* some who were Spectators, nay, Actors in those Solemnities exhibited by *Augustus*, lived at the same time when *Claudius* caused this to be proclaimed. These plays were also *f* called *Tarentini ludi*, not from the City *Tarentum* in great *Greece*, but from a certain place of the same name near *Rome*, adjoyning to the River *Tiber*. All the Theatres at this time were filled, and Sacrifices offered throughout all the *Temples*, for the space of three days and three nights; which giveth light to that of *Ausonius*

d Alex. ab Alex. l. 6. c. 9.
e Suet. Claud. cap. 21.
f Hosp. de orig. fest.

Trina Tarentino celebrata trinoctia ludo.

The first day the Emperor and the *Quindecim-viri*, early in the morning ascended the *Capitol*, and there offered sacrifice according to the wonted manner: thence they departed to the Theatres, to perform solemn plays in the Honor of *Apollo* and *Diana*. The second day the Noble Matrons assembled together in the *Capitol*; they offered up supplications unto their Gods, they fasted and sung hymns in the Honour of the Gods. The third day, seven and twenty Boys, going along three and three,

three, and as many maids in like manner, all of them Nobly descended, and having both Father and Mother alive, sung Verses, in which they commended the *Roman* State to the protection of the immortal Gods. This was termed *Pæanas concinnere*; which word *Pæan*, though it signifieth primarily an hymn, or song of Praise made to *Apollo*, who was called *Pæan*, *g* from παίειν, *à feriendo*, because of his victory gotten of the *Python*; yet *h* sometimes, and so in this place, it denoteth the praises in general of all the Gods. Again, the phrase intimateth an elevation of the voice in singing, with a kind of rising from one note to another. Thus *Turnebus* maketh παιανίζειν and μινυίζειν to be opposite, *i Videtur autem Pæan contentionis vocem esse, minuritio remissionis.*

g Cœl. Rhod. antiq l. 7. c. 5.
h Servius in Æn. lib. 6.
i Turneb. adv. lib. 1. c. 12.

CAP. 9.

De ludis Plebeiis, Compitalitiis, Augustalibus, Palatinis, Taurilibus, & votivis.

OTher Games there were performed in the Honor of the Gods, which are rather named by Authors than explained; they are these that follow: *Plebeii ludi*, *k* which were celebrated in memory of the liberty procured to the *Roman* state, by the succession of Consuls in the place of Kings; or as others say, in memory of the reconciliation wrought between the Senators and the Commonalty, by reason of their great oppression at that time, when the *Commons* in a kind of mutiny departed to the *Aventine* Mount. 2. *Compitalitii Ludi*, so called, because they were usually solemnized in *Compitis*, (i. e.) in the cross-ways, and open streets: *l* they were first ordained by *Servius Tullius*, in the Honor of those Gods whom they termed *Lares*, in the memory of his Nativity. The form of words used by the *Prætor*, when he signified to the people the time of these solemnities, was as followeth: *m Die noni post Calendas Januarii Quiritibus Compitalia erunt.* Concerning which words *Gellius* noteth, *n Die noni*

k Alex. ab Alex. l. 6. c. 19.
l Plin. lib. 36. cap. ult.
m Macrob. l. 1. Satur.
n A Gel. noct. Att. l. 10. c. 14.

ni Prætor dicit, non die nono, neq; Prætor ſolum, ſed pleraq; omnis vetuſtas ſic locuta eſt. 3. *Auguſtales ludi*, performed in the Honor of *Auguſtus Cæſar*. 4. *Palatini ludi*; ſo named, becauſe they were performed in the *Palatine* mount. Some are of opinion that they were inſtituted in the Honor of *o Julius Cæſar*, others in the Honor of *p Auguſtus*. 5. *Taurii ludi*, which received their name from *Taurus*, a Bull; they were firſt ordained by *Tarquinius q Superbus*, when there hapned a great peſtilence amongſt the women with child, occaſioned by much Bull-fleſh ſold unto the people; for the removal of which plague, theſe games were inſtituted, in Honor of the Infernal Gods. They are ſometimes alſo called *Boalia & Bupetia*. 6. To theſe we may add their *Votivos ludos*, which were alſo performed in the Honor of ſome God, upon ſome ſpecial vow made. For whenſoever the *Romans* did undertake any deſperate war, then did ſome *Roman* Magiſtrate *Vovere ludos, vel templa*, conditionally that they got the conqueſt: whiles the Magiſtrate uttered this his vow, he was ſaid *Vota nuncupare*, or *facere vota*, i.e. to make a ſolemn vow unto the Gods: the vow being thus made, he which made it did write it in paper, and with wax faſtned it to the knees of their Gods, thereby binding himſelf the more ſtrongly to the performance; and this in *Pliny* his phraſe is *ſignare vota*: *Juvenal* termeth it, *Genua incerare deorum*, Sat. 10.

o Alex. ab Alex. l. 6. c. 19

p L. 55 c. ult.

q Feſt. vid. Hopſm. de Ong.

Turneb. adv. l. 1 c. 17.

After this he was ſaid to be *Voti reus*, i.e. conditionally bound and obliged to the performance thereof, ſo that the Gods might challenge the thing vowed as due debt, if they granted his requeſt; yea, after that the thing craved had been obtained, then was he ſaid, *Damnatus voti, vel voto* (i. e.) ſimply bound to the performance of the vow; ſo that by conſequence, *Damnari voti, vel Voto*, is to have ones deſire accompliſhed. Thus have we gone over the chief and principal games which were meerly *ſacri*, tending to Religion: the ſecond ſort were *Ludi honorarii*, of which in the next Chapter.

CAP.

CAP. 10.

De Gladiatura.

Such ſports and plays which were performed by private men upon their own purſe and charges, they ſeeking thereby to wind themſelves into the affections of the common people, and to make way for their own preferment and honour, were termed *a Ludi honorarii*; and howſoever any game or ſhew might be tendred unto the people in this reſpect, yet thoſe of this nature were for the moſt part, either *fencing* or *ſtage-plays*; *fencing*, becauſe the ſight thereof was ſo often freely beſtowed upon the people, is therefore many times denoted by the Latin word *Munus*; and thoſe that beſtow theſe fights, are for the ſame reaſon termed *Munerarii*. The firſt original of this fencing and ſword-playing, to the killing of one another, hath been derived *c* from a cuſtomary practice among the Heathens, at the Burials of their friends, who were perſwaded that the ſhedding of mans Blood would be propitiatory for the Soul deceaſed; hence would they buy captives and ſlaves, purpoſely to be ſacrificed at Burials: afterwards, that this wicked ſpectacle might be the more pleaſant and delightful, they changed their ſacrifice into a fencing with Art, where the combatants did fight for their lives. This particular kind of *Fencers* were called *Buſtuarii*, from *Buſtum*, the place where dead mens bodies were burned: but ambition and cruelty made theſe bloody ſpectacles in after-ages more frequent, inſomuch that Prizes at laſt were plaid not only at the Tombs, but in divers other places, as the *Cirque* and *Amphitheatre*, &c. yea, they were given as legacies by will and teſtament unto the people. Theſe prizes have continued many dayes together, and the number of the Combatants ſometimes exceeded number. At the firſt none would thus hazard their lives but Captives, and fugitive ſervants, which were enforced there-

a Iſaac Caſaubon in Suet, *Aug* 32.

b Lipſ. Sat. l. 1. c. 7.

c Tertul. Ie. Servius in Æneid. 10.

thereunto, being bought for that purpoſe; afterward thoſe that were free-born ſuffered themſelves to be hired, for which cauſe they were termed *Auctorati*, hirelings; *d* yea, noble men themſelves ſometimes, by reaſon of their decayed eſtates, ſometimes to demerit the Emperor his love, endangered their lives in this fight. Thoſe that were hired, bound themſelves by a ſolemn oath to fight unto death, or elſe they would yeeld their bodies to be whipt, yea, and to be burnt: unto which *e Horace* alludeth;

Quid refert; uri, virgis, ferroque necari?
Auctoratus eas, an turpi clauſus in area?

The manner of this bloody ſpectacle was thus: the Maſter, or exhibiter thereof, did by a publike Bill give notice unto the people, what day the Prize ſhould be performed, how many couples were to combat, what their names, *&c.* thereby to procure the greater expectation, and concourſe of people: of this ſpeaketh *f Sueton. Munus populo pronunciavit in filiæ memoriam.* *g* Yea, they did in tables hanged in publike view, paint and repreſent not only the deſcription of the place, but alſo the very form and geſture of the Fencers:

—— velut ſi
Revera pugnent, feriant vitentque moventes
Arma viri. Horat. lib. 2. Sat. 7.

Upon the day appointed when all met, then were the weapons brought forth, and thoſe were of two ſorts: *Luſoria*, or *Exercitoria tela*, ſuch as were the ſpear and wands, or cudgels; that they might toſs the one, and fence with the other, and ſhew their feats of activity; all being but preparations to that more ſolemn and dangerous fight enſuing. The Greeks call'd them ἰσφαιρικὰ ὅπλα, becauſe of the little Balls tied at the ſharp end of the Weapons to prevent dangers. Others were *h Decretoria tela*, ſo called, *Quia hæc velut decreto Prætoris, ſive Editoris debantur.* Theſe were thoſe, with which they really encountred each other for life or death; and therefore ſometimes they are called *Pugnatoria*: *i Seneca* ſpeaketh

d Sen. ep. 100.
e Serm. 27.
f Sueton. in Iulio.
g Plin. 355.
h Lipſ. Sat. l. 2. c. 19.
i Sen. ep. 117.

eth of both, *Remove iſta luſoria arma, decretoriis opus eſt.* And that the Apoſtle doth not allude to both, I dare not gainſay, 1 *Cor.* 9. 26,27. where he ſaith, ὅτω πυκτεύω ὡς οὐκ ἀέρα δέρων, ἀλλ' ὑπωπιάζω μου τὸ σῶμα. He did not beat the Air, and flouriſh with thoſe luſorious and preparatory weapons, but he did truly fight againſt his natural corruption, to the wounding and ſubduing of it; for ſo κατὰ πώπια ſignifieth *putrified wounds.* That phraſe of *l* Seneca's alluding to the fore-flouriſhings, is not much unlike, *Aliud eſt ventilare, aliud pugnare.* This fore-skirmiſh with cudgels was properly termed *præludium: Megara* ſpeaking of *Hercules* his Conqueſt over the two Serpents, aſſaulting him being yet an Infant, ſaith, *m Præluſit Hydræ*, i.e. that Combat was but the Prologue, Preface, or Introduction to that greater which ſhould enſue between him and the *Hydra.* Afterwards when they betook themſelves to naked Weapons, and to a real fight, then were they ſaid *Dimicare ad certum*, and *Verſis armis pugnare.* This word *n Verſis* being put for *Tranſmutatis.* In the act of fighting, they did frame and compoſe their body according to the rules of their Art, for the better warding of themſelves, and the readier wounding of their adverſary. This frame and poſture of the body, was by a peculiar name called *Status*, or *Gradus*; whence aroſe thoſe elegant Metaphors, *Cedere de gradu, demigrare de gradu*, to change ones purpoſe, and as it were to draw back from what he formerly intended. In like manner we ſay, *De mentis ſtatu dejicitur*, or *deturbatur:* he is driven to change his mind; or in general, he is amazed. In the conflict, oftentimes the Sword-players after they had received any dangerous wounds, laid down the Weapons; which though in extremity was a token of cowardiſe, neither were they thereupon acquitted or diſcharged: but this depended upon the conſent either of the Emperor, or the people, or the Maſter of the Shew. This diſcharge was properly called *Miſſio.* Such was the cruelty of thoſe times, that many prizes were proclaimed, wherein they fore-ſignified,

l Suid. in voce ὑπώπια. *l* Sen. l. 3 cont.

m Sen. Here. fur. verſ 221.

n Lipſ. Sat. l. 2. cap. 19.

ed, that ſuch diſcharges ſhould neither be craved, nor granted: whereupon *o Auguſtus Cæſar* made a Decree, wherein *Gladiatores ſine miſſione edi prohibuit.* Thoſe combatants that overcame, received by way of reward, ſometimes money, ſometimes a garland, or Coronet of Palm-tree, wound about with certain woollen ribbands, called *Lemniſci*; the coronet it ſelf was therefore called *p Palma lemniſcata*, and hence figuratively hath *Palma* been tranſlated to ſignifie the victory it ſelf; and ſuch a man as hath often got the prize, we ſay proverbially, that he is *Plurimarum palmarum homo.* The reaſon why the Palm-tree, rather than any other tree, ſhould be given in token of victory, is rendred by *q* divers approved Authors to be this: becauſe the Palm-tree, though you put never ſo ponderous and heavy weight upon it, yet it will not yeeld, but rather endeavor the more upward. Sometime the reward given by the people was one of thoſe Wands or Cudgels uſed in the fore-skirmiſh. That Wand was properly called *Rudis*, and it was given in token of liberty, ſignifying thereby, that he ſhould thenceforward lead his life free from ſhedding of blood: alluding to which cuſtom, this word *r Rudis* hath been uſed to ſignifie any other kind of freedom or diſcharge: whereupon *Horace* ſaid of himſelf, that he was *Rude donatus*, i. e. diſcharged from his pains in Poetry. Laſtly, ſometimes he that conquered received *Pileum*, a Cap. And here it will not be amiſs, to note the difference between *Palma*, *Miſſio*, *Rudis*, and *Pileus*. *Palma* was only a token of victory, not of liberty or diſcharge. *Miſſio* was not a full diſcharge, but a kind of vacation, or reſpite granted upon requeſt, until the morrow, or ſome other time: again, it was granted to thoſe that were conquered, not to the conquerors. *Rudis* was a token of a full diſcharge from bloody combats, whereby a mans life might be endangered: but yet with this diſtinction, that if it were beſtowed upon free Citizens, hired to be Actors in theſe Maſteries, then were they thereby reſtored to their free-

o Suet. Aug. 49

p Fran. Syl. in orat. pro Sext. Roſc.

q Ar. ſt. Prob. 7. Plut. ſymp. 8 q. 4. Aul. Gel. l. 3. c. 6.

r Eraſ. Adag. Rudem accip.

dom

dom alſo, which formerly they forfeited by undertaking ſuch baſe conditions: to other which were formerly ſervants, or Captives, it was only a token of liberty and diſcharge. Notwithſtanding, ſometimes upon favor, ſuch ſervants or Captives obtained together with their diſcharge from ſuch fights, a priviledge alſo of enfranchiſement, whereby they were thenceforward incorporated among free Citizens; the token whereof was *Pileus*, for then they received a Cap: which later obſervation helpeth for the underſtanding of *Tertullian*, where he ſaith, *ſ Qui inſigniori cuiq; homicidæ leonem poſcit, idem gladiatori atroci petat rudem, & pileum præmium conferat.* In which ſpeech the unjuſt and unreaſonable practice of thoſe Heathens is diſplayed, whiles they judge a manſlayer to be expoſed to Lions and wilde beaſts, and yet notwithſtanding will reward the bloodineſs of ſword-players. Theſe Fencers fought with divers manner of Weapons, and accordingly had ſeveral names, the chief of which we read are theſe: 1. *Retiarii*, ſo called from *retejaculum*, ſignifying a float-net uſed in fiſhing, becauſe this ſort of Fencers did fight with a caſt-net in one hand, to catch and claſp about their adverſaries head; and a three-forked engine in the other, which they uſed inſtead of a ſword: of this *Juvenal* ſpeaketh, *Sat.* 8.

ſ Tertul de ſpect. c. 21.

——— *Movet ecce tridentem.*

They did always fight in their coats: whence the *Epitheton* floweth, *retiarii tunicati*. The reaſon why they bore up and down Spunges, which *Tertullian* calleth *ſpongia retiariorum*, may be for the drying up of the blood, and wiping or ſtopping of the wounds: which uſe of ſponges, *t Pliny* noteth. Now becauſe theſe *Retiarii* were ſo lightly armed, they were compelled every time they ſtrook with their net, to retire back until they recovered their net again; and hence the ſecond ſort of Fencers which fought with them, were termed *u Secutores*, *ab inſequendo*, from following and purſuing theſe *Retiarii*. The weapons wherewith theſe *Secu-*

t Plin l. 3. c. 21.

u Lipſ. Sat. l. 2. c. 7.

tores did fight, were a target, to keep off the net of the adversary; a sword and a helmet. 3. *Thraces*, so called from the *Thracian* Weapons which they used; their target was round and little, called *Parma*: it was at first in use among the *u Thracians*, and afterwards so proper to this sort of sword-players, that *x Parmularius* signifieth such an one as favoured this company or faction of Fencers. Their sword was a crooked falchion, termed by them *Sica*. The *Roman* Souldiers did use to wear two of these, a long one on the left side, and a shorter on the right side, answerable to our sword and dagger; but the form of the *Sica* was always crooked, according to that, *Sica θρᾴκιον ξιφος ἐπίκαμπες*. Privy murtherers practising the killing of men, may seem to have used the lesser, as a pocket-dagger; such are those *Sicarii*, of which there is such often mention in *Tully*. 4. *Myrmillones*; they are sometimes called *Galli*, because they were appointed after the manner of the *Gauls*. Their Weapons were a sword, a target, an helmet with a crest in form of a fish. 5. *Hoplomachi*, the name imports them to be armed in their fight; it is derived from the *Greek* ὅπλον, *vel* ὅπλα, *arma*, & μάχομαι: until *Augustus* his time they were named *Samnites*; their Armor was an helmet with a tuft on the crest, a sword, a shield, and a boot on the left leg. 6. *Provocatores*, sometimes called *Probatores*; these usually fought with the *Hoplomachi*; their Armor was a sword, a target, an helmet, and boots on both legs. For as the footmen among the Souldiers, so likewise some of the sword-players used boots for the safe-guard of their legs: these boots were made of z iron; and so common amongst the *Grecians* in War, that boots alone are oftentimes put to express the *Grecians* whole armature, as appeareth by that useful *Epitheton* in *Homer*, ἐυκνήμιδες Ἀχαιοί, i. e. *Benè ocreati Græci*: these boots they wore sometimes on both legs, sometimes on one, according as the manner of fight required. 7. *Essedarii*, such as fought one against another out of waggons; so called from *Essedum*,

u Tarneb. adv. lib 5 c. 10.
x Suet. in Domit c 10.
y Alex ab Alex. l 6. c. 22.
z Veget. Vide Lipsi de milit. l. 3. dia 7.

dum, a waggon or chariot. 8. *Andabati, quasi ἀναβαταὶ ascensores*, because they did fight on horse-back, or out of chariots. This sort of Fencers did fight winking; whence ariseth that adage, *Andabatarum more pugnare:* the phrase is fitly used, when two ignorant persons are hot in contention about that which neither understandeth. 9. *Dimachærii*, called also *Orbitæ*; they fought each against the other with two swords apiece, as the first name importeth. 10. *Laquearii*, such as fought with swords and halters; the use of the halters was the same as the *Retiarii* made of their nets, to cast about their adversaries neck or arm, that they might the easier wound them with their sword. Of all these sorts of Fencers *l Lipsius* treateth largely, to whom I refer the Reader. Onely here let me take notice, that it was in the power of the people, to discharge any of these Combatants in time of the fight; which discharge they signified *premendo pollicem*, by holding down their thumb; or else to adjudg him to continue the fight, though in never so great danger; and this later they signified *convertendo pollicem*, by turning up the thumb;

l Lipſ Sat 2.

——— *Et verſo pollice vulgi*
Quemlibet occidunt populariter. —— Juven. Sat. 3.

Moreover, that there might be always in readiness a sufficient number of Sword-players, hence were there Schools erected, into which Captives, fugitive-servants, and notorious Offenders, were sometimes condemned, sometimes sold. The Masters of these Schools were called *Lanistæ*; the Scholars or under-Fencers trained up there for more publick and dangerous fights, were called *Familiæ*. The word *Familia* is often taken in this sence, to signifie the whole company of under-Fencers belonging to one School; and the Master of defence is for this reason, more than once by *m Sueton.* called *Pater-familiæ*. Moreover, when one challenged another to these combats, they signified their challenge by beckning their little finger. *Horace* alludeth unto this:

m Suet. Calig 26. & in Domit. 10.

Criſpinus minimo me provocat, accipe ſi vis,
Accipe jam tabulas. Lib. 1. Serm. 4.

This muſt be underſtood of a beckning, and that with the little finger; for otherwiſe in time of the fight, if either of the Combatants did hold up his finger, *n* he ſignified thereby that he did yeeld, and give place unto his adverſary: ſome think that *Perſius* had reſpect unto this cuſtom, in that phraſe,

n Alex. ab Alex l. 4. cap. 26.

—— *Digitum exere, peccas.* Sat. 5.

CAP. 11.

De Ludis Scenicis.

THe ſecond ſort of Plays beſtowed on the people for their favour, were *Ludi Scenici*, Stage-plays. The reaſon of this name *Scena* may be ſeen before. *o* The firſt inſtitution of them was occaſioned by reaſon of a great ſickneſs, which by no medicinary help could be removed. The *Romans* ſuperſtitiouſly conceiting, that ſome new games or ſports being found out, the wrath of the Gods would thereby be unarmed. *p* Whereupon, about the four hundredth year after the building of *Rome*, they ſent for certain ſtage-players out of *Hetruria*, which they called *Hiſtriones*, from the *Hetrurian* word *Hiſter*, which ſignifieth ſuch a Player. *Quia Hiſter Thuſco verbo ludus appellatur, id nomen Hiſtrionibus eſt additum.* Polydor. *de inven. l. 3. c. 13.* Concerning the divers kinds of ſtage-plays, I read of four, called by the Grecians, *Mimicæ*, *Satyræ*, *Tragœdiæ*, *Comœdiæ*; by the Romans, *Planipedes*, *Atellanæ*, *Prætextatæ*, *Tabernariæ*; in Engliſh, *Fable*, *Mimical*, *Satyrical*, *Tragical*, *Comical*. Theſe *Mimical* Players did much reſemble the Clown in many of our Engliſh ſtage-plays, who ſometimes would go a tip-toe, in deriſion of the mincing dames; ſometimes would ſpeak full mouthed, to mock the Country-clowns; ſometimes upon the tip of their tongue, to ſcoff the Citizen. And thus, by the imitation of all ridiculous geſtures or ſpeeches, in all kinds

o Lazius de Repub. Rom. l. 10. c. 11.

p Alex. Gen. dier. l. 6. c. 19.

kinds of vocations, they provoked laughter; whence both the plays and players were named *Mimi*, from μιμ& an imitator, or one that doth ape-like counterfeit others; as likewiſe they were called *Planipedes*, becauſe the Actors did enter upon the ſtage *planis pedibus*, i.e. *z Excalceati*, bare-footed. The ſecond ſort of plays were called *Satyræ*, *a* from the laſcivious and wanton Country-Gods called *Satyræ*, becauſe the Actors in the *Satyrical*-plays did uſe many obſcene Poems, and unchaſte geſtures, to delight their ſpectators. Afterward theſe kind of Actors, as we may conjecture, did aſſume ſuch liberty unto themſelves, that they did freely, and without controulment, ſharply tax and cenſure the vices even of Kings as well as of the Commons; inſomuch that now we call every witty Poem, wherein the wit and manners of men are ſharply taxed, *A Satyre*, or *Satyrical* Poem. *b Satyra mordax fuit & ſalſum genus carminis.* Theſe plays were alſo called *Attellanæ*, from the City *Attella* in *Campania*, where they were often acted. The third ſort of ſtage-plays were called *Tragœdiæ*, from τρὺγ& a Goat, and ᾠδὴ, an Ode or Song, becauſe the Actors thereof had a Goat given them as a reward. And likewiſe they were called *Prætextatæ*, from *prætexta* a certain *Roman* Robe, which theſe Actors did uſe to wear in their plays. The fourth ſort were *Comœdiæ*, from κῶμαι which ſignifieth villages, and ᾠδὴ, becauſe thoſe kind of Actors did go up and down the Country, acting thoſe *Comedies* in the villages as they paſſed along. They were likewiſe called *Tabernariæ*, *à tabulis*, i.e. from the boards or pentices wherewith they were ſheltered from the weather whiles they were acting. Theſe two laſt ſorts of plays, namely, *Tragedies* and *Comedies*, being ſtill in uſe among us, it will be worth our labour to conſider the communities, wherein they agree; otherwiſe the properties or notes of diſtinction by which they differ. I find three ſorts of parts, wherein they agree, namely, *partes primariæ*, *acceſſoriæ*, *circumſtantes*; parts principal, acceſſary, and circumſtances,

z Alex. ib.

a Anteſign. in ſuis obſer. de metris comicis Teren. præfixis.

b Vid. Eraſ. adag. Κωμῳδίαν ταῦρου.

cumſtances; which were not ſo truly parts, as accidental ornaments added to beautifie the plays. The principal parts are four, in reſpect of the matters treated of; for, as far as the declaration or expoſition of the matter in hand reacheth, without intimation of the event to enſue, ſo far reacheth the firſt part called πρόϑασις. which word ſignifieth no more than a propoſition or declaration. But when the play inclineth to its heat and trouble, then enſueth the ſecond part, called ἐπίϑασις, which ſignifieth the intention or exaggeration of matter. The third part is called κατάστασις, *i. e.* the ſtate and full vigour of the play. The laſt part, which is an unexpected change into a ſudden tranquillity and quietneſs, is called κατάστροφὴ; which by a *Metaphor* hath been tranſlated to ſignifie the end or period of any other thing; or rather the inclination unto the end, as *vitæ humanæ cataſtrophe*, the end of a mans life. In reſpect of the players forſaking the ſtage, the parts were five, namely, the five Acts. For the Actors did five times in every *Comedy* and *Tragedy* forſake the ſtage, and make as it were ſo many interruptions. The occaſion whereof is ſuppoſed to have been this, that the Spectators might not be wearied out with a continued diſcourſe or action, but that they might ſometimes be delighted with variety intermixed. For thoſe breaches and chaſmes between each Act, were made up and ſupplied, either by the *Chorus* or *Muſick*. Where we muſt note, that every *Tragedy* and *Comedy* muſt have five *Acts* and no more, according to that of *Horace*:

Neve minor quinto, neu ſit productior actu
Fabula, ——

Again, we muſt remember, that it is not neceſſary that the πρόϑασις ſhould always be contained in the firſt Act, though many times it happeneth ſo; for in *Plautus his Bragging Souldier*, the *Protaſis* is found in the ſecond Act; and ſo likewiſe are the other three parts, *i.e. Epitaſis, Cataſtaſis*, and *Cataſtrophe*, their bounds unbounded.

Theſe

These Acts are divided into several Scenes, which sometimes fall out more, sometimes fewer in every Act. The definition of a Scene being *c Mutatio personarum*: whence we call a subtile *Gnatho*, which can humor himself to all persons and times, *Omnium scenarum homo*, a man fit for all parts. Now amongst the *Romans* it was thought unfit, that above three persons should come on the stage in one Scene.

c Vil Eras. Alig.

——— *Nec quarta loqui persona laborat.* Hor.

The *partes accessoriæ* in a *Comedy* are four: *Argumentum*, *Prologus*, *Chorus*, and *Mimus*. The first is the matter or subject of the Comedy. The second is the *Prologue*; which is either ὑποθετικὸς, such as doth open the state of the Fable, at which time there needeth no argument; or else συστατικὸς, such as commendeth the Fable, or the Poet unto the people; or lastly, ἀναιρετικὸς, such as shall refute the objections and cavils of Adversaries. The third is *Chorus*, which speaketh between each Act; and this *Chorus* may consist either of one, or many speakers, and that either male or female; *d* but with this caution, that if a male be to be commended, then must the *Chorus* consist of males: if a female be to be commended, then must it consist of females. And always whatsoever the *Chorus* speaketh, it must be pertinent to the Act past, or covertly intimating somewhat ensuing.

d Suet. Aug. c. 40.

——— *Non quid medios, intercinat actus,*
Quid non proposito conducat & hæreat aptè. Hor.

It may seem sometimes that in the midst of the Play some other sport was interposed, as hunting, or fencing, or such like, to delight the Spectators with the greater variety: whence *Hor.*

Si discordet eques, media inter carmina poscunt
Aut ursum, aut pugiles. ———

These interposed varieties were denoted by the name of *Diludia*; *Displicet iste locus, clamat, & Diludia posco.* Hor. The fourth and last accessory part was *Mimus*, the Clown or Fool of the Play. Of all these parts, a Tragedy hath only

only a *Chorus*. The *partes circumſtantes*, or accidental ornaments were four, common to both, *Titulus*, *Cantus*, *Saltatio*, *Apparatus*, *id eſt*, the Title of the Play, Muſick, Dancing, and the beautifying of the Scene. By the Scene in this place, I underſtand the partition between the Players veſtry, and the ſtage or ſcaffold. This partition at the acting of a Tragedy was underpropped with ſtately columns and pillars, and beautified with paintings, reſembling Princely Buildings, and the Images as well of Gods as Kings. At the acting of a Comedy, Country-Cottages and private buildings were painted in the outface of the partition. In the *Satyrical* Plays, the painting was over-run with ſhadows of mountains and woods: The *e* firſt of theſe partitions they called *Scenam Tragicam*, the ſecond *Comicam*, the third *Satyricam*. The differences between a *Tragedy* and a *Comedy*, which may be collected out of *f Anteſignanus*, are theſe: firſt in reſpect of the matter, becauſe a *Tragedy* treateth of exilements, murthers, matters of grief, &c. a *Comedy*, of Love-toyes, merry fictions, and pretty matters; the one being *ſpoudæ periochè*; the other *cuchus periochè*. In a Tragedy, the greateſt part of the Actors are Kings and Noble perſons; in a Comedy, private perſons of meaner ſtate and condition. The ſubject of a Comedy is often feined, but of a Tragedy it is commonly true, and once really performed. The beginning of a Tragedy is calm and quiet, the end fearful and turbulent; but in a Comedy commonly the beginning is turbulent, and the end calm. Another difference which *Anteſignanus* hath omitted, is behoveful for us to know, namely, that the Tragedians did wear upon the ſtage a certain ſhooe, coming half way up the leg in manner of buskins, which kind of ſhooe was called by them *Cothurnus*; and from that cuſtom it hath been occaſioned, that *Cothurnus* is tranſlated to ſignifie a *Tragical* and lofty ſtyle, as *Sophocleo digna Cothurno*, matters beſeeming *Sophocles* his ſtyle; and ſometimes a Tragedy it ſelf. The Comedians did uſe an high ſhooe coming up above

e Alex. Gen. dier. l. 5. c. 16.

f Anteſig. in ſuis obſerv. metris comicis Terent. præfixis.

Nigris medium impediit crus Pellibus. Horat. Ser. l. 1. Sat. 6.

above the ankle, much like a kind of ſhooes which plowmen uſe to wear, to keep themſelves out of the dirt. This kind of ſhooe is called *Soccus*; by which word ſometimes alſo is ſignified a Comedy, as

Hunc Socci cepere pedem grandeſq; Cothurni. Hor.

g All theſe ſorts of ſtage-plays, both *Mimical*, *Satyrical*, *Trigical* and *Comical*, if they were acted according to the Grecian rite and cuſtom, then were they called *Palliatæ*, from *Pallium*, a certain mantle which the Grecians did uſe to wear; if according to the *Roman* manner, then were they called from the Roman gown *Togatæ*. Anteſig ib.

CAP. 12.

De Trajano ludo, ſive Troja.

IT was a cuſtom among the *Romans*, ſometimes in the year, to have a general muſter of the younger ſort, who meeting in the Cirque, exerciſed there running, racing, riding at tilt, and other ſuch like feats of activity, whereby they might be trained up for their better ſervice in the War. They choſe a Captain, one or other of Noble birth: he was called *a Princeps Juventutis*. They divided themſelves into diſtinct Companies, ſometimes marching forward one againſt another, ſometimes retiring backward; ſometimes skirmiſhing; ſometimes imbattelling themſelves in one form, ſometimes in another, as if it were a true field pitcht. A large and full deſcription hereof we have in *Virg. Æn.* 5. This game was called *Trojanus ludus*, or ſimply *d Troja*, without the addition of any other word, becauſe *Aſcanius*, *Æneas* his ſon, firſt brought it out of *Troy*, according to that of *Virgil* in the fore-quoted place,

Hunc morem, curſus, atq; hæc certamina primus
Aſcanius, longam muris cùm cingeret Albam,
Retulit, & priſcos docuit celebrare Latinos.

Among other ſports uſed at this time, *e* there was alſo a kind of Morisk-dance, wherein the younger men dan-

a Hoſp. de orig. feſt.

d Suet in Jul. c. 39.

e Alex. ab Alex. l. 6. c. 19.

ced in harneſs, after a war-like manner, being thereby trained to exerciſe all parts of their body, by ſundry geſtures, as well to avoid all venues and defend themſelves, as to annoy and offend the Enemy. This kind of Dance is generally called *Pyrrhica ſaltatio*, becauſe it was invented by *f Pyrrhus*. Yea, *g* ſome ſay, that *Suetonius* taketh *Trojanus ludus*, and this *Pyrrhica ſaltatio*, for one and the ſame thing. Nay, *Alexander* confoundeth both theſe, with thoſe other games termed *Juveniles ludi*. But doubtleſs herein he was miſtaken: for thoſe *Juvenilia* were inſtituted by *h Nero i* at the ſhaving of his beard, and had not their name, becauſe yong men were the chief actors, but becauſe old men would now by the practice of youthful ſports, turn young again. The actions at this time were ſo far from favouring of Military Diſcipline, that on the contrary, they were for the moſt part effeminate and wanton.

f Plin. l. 7. c. 56
g Serv. in l. 5 Æn. Il. Alex. ab Alex. loco ſupra citato.

h Sueton. in Neron. c. 11.
i Cœl. Rhod. l. 19. c. 22.
k Roſin. Rom. ant. l. 5. c. 22.

CAP. 13.

De teſſeris, talis, & latrunculis.

BEfore we treat of the game called *Ludus teſſerarius*, it will not be amiſs, 1. to clear the word *teſſera* from all ambiguity. The word hath four remarkable ſignifications, all alluding to matters of Antiquity. Firſt, it ſignified a watch-word among the ſouldiers in the camp, whereby they diſcerned their enemies, or ſpies, from their own fellows. *o Alex. ab Alexandro* giveth many examples hereof: *Auguſtus Cæſar* in his camp gave for his watch-word, *Venus genetrix*: *Pompeius magnus* gave for his, *Hercules invictus*, &c. and this was called *Teſſera militaris*. Secondly, there was *Teſſera frumentaria*, a certain ticket or token given by the Magiſtrate unto the poor, at the tendring whereof, *p* at the beginning of every moneth, certain doles and meaſures of corn were given: it is evident that at firſt there were ſuch monthly diſtributions of corn, even by that endeavor of *Auguſtus*,

o Alex. ab Alex. l. 4. c. 2.

p Suet. Aug. cap. 40.

Augustus, who for the avoiding of trouble, would have reduced all to three set distributions in the year, but prevailed not. Sometimes instead of Corn, or haply over and above the Corn, there were at certain times doles of money given to the poor; which dole whosoever received, tendred his token or bill of exchange, termed *Tessera nummaria*; these two last acceptations, though they may be distinguished, yet because they both tended to the relief of the poor, I have joyned them together. 3. There was *Tessera hospitalis*, a certain token of wood or such like matter, which usually was cut in two by those who had engaged themselves mutually to entertain each other, whensoever entertainment should be craved: yea, this woodden ticket or tally being mutually acceepted, it was lawful for their posterity, bringing this token, to challenge hospitality. Thus he in *Plautus* having formerly used *Antidamus* as his host, after *Antidamus* his death, he cometh unto *Antidamus* his adopted son, not doubting of entertainment; for saith, he, *Deum hospitalem, ac tesseram mecum fero.* Hence from this custom, or tendring a token when hospitality should be craved, that Adage hath been derived, *Tesserem hospitii confregit*, i. e. he hath broken the league of hospitality. Lastly, *Tessera* signifieth a *Dye*: where we must note, that the word *Alea*, which commonly is translated a Dye, is a general word, applied equally both to the *Tesserae* and the *Tali*, to denote the uncertainty of both games. *Tessera* properly signifieth a Dye; *Talus*, an huckle-bone, such wherewith children play *Cockal.* In determining the several chances in these plays, Authors are not only diverse, but in many things contrary each to other; neither can any certainty be gathered from their writings: whether my conjectures, drawn from comparing their several and contrary writings, may give light for the right understanding of decayed knowledge herein, I shall willingly submit my self to the censure of the judicious. The several chances which I read of, are these,

ſome ariſing from the number of the points in the Dye, as *Senio*, *Momus*. More uſually among the Grecians, *q* theſe two were termed κῶς, & χίος. ὁ μὲν γὰρ χίος ἰσόνικος ἦν, ὁ δὲ κῶς ἧττον, i. e. *Chius*, anſwered our *Ace*; *Cous*, our *Sice*. And this is confirmed by a proverb in uſe amongſt the *Grecians*: κῶς πρὸς χίον, which the Learned interpret to be, a compariſon of unequals, a Pygmy with a Giant: others named from the number, I read not of. Perhaps they played not with a ſingle Dye, but with three, as we uſe in *Paſſage*; whence their chances might have their name, not from the number of points in each ſeveral Dye, but from them all being Caſt. But that the *Teſſeræ* had points in them, appeareth by the teſtimony of *a Turnebus*: And hence *Numeri* is ſometimes uſed for *Teſſeræ*:

Seu ludet numeroſque manu jactabit eburnos.
Ovid. 2. de Art. Amand.

That they uſed more *Tali* in their plays, than they did *Teſſeræ*, *b Turnebus* obſerveth from that Verſe:

Non ſum talorum numero par teſſeræ. Mart. 14. Epig. 15.

c Cælius *Rhodiginus* ſpeaketh more diſtinctly, ſaying, that in their play they uſed three *Teſſeræ*, but four *Tali*. Theſe *Tali* were ſometimes called *Vulturii*, as appeareth by the ſame *d Rhodiginus*, and likewiſe *Reguli*. The reaſon of both is rendred by *Turnebus*; he being of opinion that theſe *Tali* had not points in them as the *Teſſeræ*, ſaith, *Pro numeris effigies animalium habebant, ut vulturum, aut regulorum.* That they were termed *Vulturii*, is probable by that of *Plautus*:

Tace parumper, jacit Vulturios quatuor.
Plaut. curcul. Act. 2. Sc. 3.

But that the Cock-all-Bones ſhould be called *Reguli*, I ſomewhat doubt; for no queſtion but *Regulus* and *Baſilicus* in this place ſignified one and the ſame thing, the one being the *Latine*, the other the *Greek* word: now *Baſilicus*, as ſhall preſently appear, ſignified the whole chance. So confuſed are the opinions of Authors herein,

q Suid. in voce κῶς.

a Turn adv. l. 5. c. 6.

b Turn. adv. l. 6. c. 10.

c Cœl. Rhod. l. 20 c. 17.

d Cœl Rhod. l. 6. c. 18.

e Turn adv. l. 5. c. 6.

in; that to assign the reason for every chances name, or to reduce every chance determinately, either to the *Tesseræ* or the *Tali*, I think it impossible. Onely some may be thus reduced, and in general we may conceive probably which chances were fortunate, which unfortunate. The unfortunate chance in the *Tali*, was commonly called *Canis*, or *Caniculi*, or *Chius*; The most fortunate chance, *Venus*, or *Basilicus*. f *Lipsius* taketh them both for one, and that not without ground, if we compare *Horace* and *Plautus*; both of them treating of that old custom of throwing these Cock-all-bones at their feasts, for the choice of their *Modiperator* or Master of the feast, which should prescribe Laws for drinking to the whole company.

f Lips. antiq. lect. l. 3 c. 11.

Venus arbitrium ———
Dicet bibendi, Saith *Horace*.
Jacto Basilicum, propino magnum poculum,
Saith *Plaut. curcul.* And why may not this cast be justly termed *Basilicus*, seeing the *Modiperator* hereby designed, was by the Grecians not only called συμποσιαρχος, but also βασιλευς *King*, *Prince*, or Chief Commander at the Table? This cast was then thought to be thrown, when all four Cock-all-bones appeared not one like the other, but all with different faces. g *Venus consurgebat ex talis quatuor jactatis, ubi diversam omnes ostendissent faciem*: with whom accordeth h *Turnebus*; *Venus erat, cùm nullus eodem vultu stabat talus. Hercules* was also a lucky throw; but whether the same as *Venus*, I have not yet learned.

g Cœl. Rhod. l. 20 c. 27.

h Turn. ad. l. 5. c. 6.

The games with the *Tesseræ* I make no question were divers; the ignorance of which, they being long since out of use, hath caused much obscurity in this matter: one game there may seem to have been in use, where the just number of eight seemeth to have been the chief Cast: it was called i *Stesichorius jactus*, or *Stesichorius numerus*. The reason is rendred by *Rhodiginus*, because *Stesichorius* his Tomb, erected at great charges for greater

i Cœl. Rhod. l. 20 c. 27.

ter magnificence, *Ex octonis constabat omnibus*, i. e. consisted of many eights; to wit, *eight Angles*, or corners; *eight Columns*; *eight steps*, or grieces. In their common game, the most fortunate throw is thought to have been three *Sices*; we call it in *Passage*, a *Royal pass*, whence it was commonly called *Senio*:

——— *Quid dexter senio ferret*
Scire erat in votis, damnosa canicula quantum
Redderat augustæ collo non fallier orcæ. Pers. Sat. 3.

Which one place of *Persius* giveth light to this in three things. First, that the winning cast was termed *Senio*: and if you make *Basilicus* a term common both to Dice and Cock-all-bones, as *Venus* is, we may fitly render it a *Royal Pass*. Secondly, the losing cast, *Canis* or *Canicula*, in English a *Dog-chance*. Thirdly, the manner of their play, both in their Dice and Cock-all-bones, was by casting them not immediately out of their hand, but out of a dish or narrow-mouth'd vessel, that there might be fair play, without striking or cogging the Dye: this vessel *Persius* calleth it *Orca*, and describeth to have a narrow mouth, and a straight neck. *Horace* applieth it to the *Tali*, Sat. 7. l. 2.

Mitteret in Pyrgum talos ——

Calling it *Pyrgus*, using the Greek word πύργος a Tower or Steeple, so called from πῦρ fire, because the form thereof being *acuminata*, resembleth the rising of fire: the word intimateth *Horace* his *Pyrgus* to have been of the like form with *Persius* his *Orca*. But to return to the game; the chief cast, as I said, was thought to be when three *Sices* appeared: which opinion is strengthned by that common Proverb, *Aut tres sex, aut tres tesseræ*, i. e. either three *Sices*, or three *Aces*. And the first of these being the best, the other the worst chance in the Dice, the Proverb implieth thus much, I will put all to the hazard, I will win or lose all. This cast was also called *Midas*: for as *Rhodiginus* speaketh, *In tesserario ludo Midas jactus*;

jactus erat fortunatissimus: with whom accordeth *k Dempster*, proving it out of *Suidas*:

Μίδας ὁ ἐν κύβοις εὐβουλότατος.

Midas in tesseris consultor optimus.

k Dempst. ant Rom. l 5 c.1.

This name signifieth the best chance, yet was not appropriated to the *Tessera*, but sometimes also signified the fortunatest chance of the *Tali*. Likewise from that of *Mart. l.* 13. 1.

Senio nec nostrum cum cane quassat ebur.

It is noted by *l Erasmus*, that as often as an *Ace* hapned to be thrown together with a *Sice*, so that *Senio* and *Canicula* appeared together at one throw, it was a losing cast. *Suetonius* is clear in the proof hereof, if for *Aut* we substitute *Et*; which unless we do, it will be a matter of great difficulty to make congruity of sense. His words are, *Talis enim jactatis, ut quisq; Canem aut Senionem miserat in singulos talos, singulos denarios in medium conferebat, quos tollebat universos qui Venerem jacerat.* Turn *Aut* into *Et*, the sense is obvious. Look who threw an *Ace* and *Sice* together, for every Dye he staked and laid to the stake a Denier; which he took up and swooped all clean, whose luck it was to throw *Venus*. *Euripides*, as I take it, was not a chance, but a kinde of game, much resembling that which is in use with us, called, *one and thirty*: The number of that game was *forty*, and the game called *Euripides*, because *Euripides* was one of the forty chief Governors in *Athens*, when the thirty Tyrants were deposed. The reason of my conjecture is taken from *n Rhodiginus*, whose words are these: *Euripides numerum continebat quadragenarium, quoniam videtur unus fuisse Euripides præfectorum quadraginta, post triginta Tyrannos Athenis exactos*: from all we may note, that the *Jactus pronus*, or *Jactus plenus*, that is, the lucky cast, we may English it, *Take all*; was commonly called *Senio*, *Venus*, *Cous*; the *Jactus supinus*, or *Jactus inanis*, was likewise commonly known by no other name than *Canis*, *Canicula*, or *Chius*, we may English it *Blank*.

l Erasm adag. Chius ad Cœnum.

n Cœl. Rh d. l. 20. c. 17.

o Some

o Barthol. Merula in Ovid. de art. amand. l. 2.

o Some have delivered their mind touching these plays thus: that the *Tali* or Cock-all-bones had but four faces or sides, and therefore yeelded four chances, and no more; the first is called *Canis*, or *Canicula*, answering to our *Ace*, and it was the worst of all; the opposite unto it they term *Venus*, or *Ceus*, and is accounted the best: *Merula* against sense understandeth the number of seven by it, it may stand for our *Sice*. The third bore the name of *Chius*, proportioned to *Trey* with us; and the last *Senio*, which is as much as *Quatre*. For in these *Tali* there is no chance of *Deux*, or *Cinque*. This opinion at first, I confess seemed plausible to me; but how fully it discovereth the game, and how agreeable it is to antiquity, let others judge. The chances of the Dice, or Cock-all-bones, as they were termed *Jactus & Missus*, casts: so also were they called p *Manus*, figuratively, as every stroke in the fencing-school was termed *Manus*. The first acception of *Manus* is proved out of q *Suetonius*, where *Augustus Cæsar* speaketh thus: *Si quas manus remisi cuiq; exegissem, aut retinuissem quod cuique donavi, vicissem*, &c. If I had exacted those chances which I remitted every one, and kept that which I bestowed, I had gotten, &c. The second acception of *Manus* is confirmed by r *Quintilian*, who calleth the second, third, and fourth-strokes in fencing, *secundas, tertias, & quartas manus*. Our English phrase is not much unlike; He hath had a good or bad, lucky or unlucky *hand*. Another game there was of like nature played with Table-men; the word *Latrunculus* translated a Table-man, did properly signifie an hired Souldier, such an one as served for pay: whence *Latro*, whose diminutive *Latrunculus* is, hath his denomination *ἀπὸ τῦ λατρεύειν, a serviendo*. In this sense the word is used s by *Plautus*:

p Lipsi. Sat. l. 2 cap. 20.

q Suet. Aug. 72.

r Quint. l. 5. cap. 14.

s Plaut. mil. glor. Act. 1. scen. 1.

Nam Rex Seleucus me opere oravit maximo
Ut sibi latrones cogerem, & conscriberem.

Secondly, because Souldiers are so prone and apt to commit robberies: hence *Latro*, and *Latrunculus*, hath been

used also to signifie a thief or robber. And thirdly, in a borrowed sense, these words are applyed to signifie table-men or chess-men; because this game hath the express form and representation of a war, or battle, fought between two Armies; insomuch that *t Pyrrhus* King of *Epyre*, being skilfull in plotting stratagems, first taught his souldiers that art of projecting, by plays and representations thereof in the table-men. *u* Some are of opinion, that it was first invented in the siege of *Troy*, by *Palamedes*, who that he might keep his souldiers in better order, allowed them this kind of recreation, whence these Chess-men are sometimes called *Palamedici calculi*; they were made sometimes of wax, sometimes of glass, sometimes of other matter. The game seemeth to have been the very same with that which we call *Chess*. Other games there were of lesser note for recreation, of which sort were principally these that follow, *Petaurum, Discus, Pila, Trochus, Nuces.* πέταυρον, from whence this Latine word *Petaurum* cometh, signifying properly a perch or pole, on which poultry roust: and hence the rope or staff, on which light persons were wont to dance, and try masteries, was termed *Petaurum*. It signified also a certain hoop, or wheel, through which active persons would run swiftly, their body so warily carried, that in their running they would not touch the hoop or wheel: to this purpose *Ælia Neoph.* speaketh, a *Fuit quoq; Petauri ludus admirationis præcipuæ, cum per circulos quosdam veloci cursu ruebantur, corpore sic librato, ut circulum non offenderet.* Such tumblers as were practised in this kind of activity, were thence call'd *Petauristæ*. *Discus* was a round stone in manner of a bowl, sometimes made of iron, or lead, whosoever could cast it farthest got the victory: the players thereat were called δισκο-βόλοι from δίσκος and βάλλω to dart, or cast out any thing. *Pila*, it signifieth a ball: and of it there were divers sorts. 1. *Harpastum* which we may English a *Foot-ball*: This ball being cast down in the middle, two companies of young men strove who should drive

t Donat. in Terent. Eun. Act. 4 sc. 7. ad illud. Idem hoc jam Pyrrhus factitavit.

u Sand. in voce *tabla*.

a Alex. ab Alex. l. 3. c. 21.

b Alex. ab Alex. ibid.

drive it thorow the others goal. 2. *Pila*, which signifieth a distinct kind of ball, so called from the hair with which it was stuffed. 3. *Follis*, a light kind of ball, so called because it was stuffed with a bladder; with this old men and young children played. 4. *Paganica*, this had his name *à pagis*, from villages and country towns, where it was chiefly in use, it was stuffed with feathers; of all these *Mart.* 14. 45.

Hæc quæ difficilis turget paganica plumas
Folle minus lasso est, & minus ossa pilæ.

5. *Trigonalis*, and this I think both the *Pila* and the *Follis* were called, in opposition to *Paganica*, the reason of the name is taken from the form of the Tennis-courts, which because they were three-square, in manner of a triangle, [c] hence was the ball with which they played in such courts termed *Trigonalis*. The players themselves were termed *Follores*; those that did cast the ball into the court, were called simply *Datores*; and [d] hence *Latatim laudare*, is to play at ball, or else we may imagine the reason of this phrase to be, because such as in their play by negligence did let down the ball, did *suram dare*, hold out their leg, to have the ball flung at it. *Trochus* it signifieth a top: as it was commonly called *Trochus* from τρέχω to run, because of the swiftness thereof: and likewise *Turbo* in Latine for the same reason; so sometimes it was called *buxum*, from the matter whereof it was made, as

——*Buxum torquere flagello.* *Pers. Sat.* 3.

Nuces, with nuts they had many plays, some of which are at this day in use. One holding an uneven number of nuts in his hand, his fellow that plaid with him was to divine whether the number were *Even* or *Odd*. Thus *Horace* calleth

Ludere par impar——

The Grecians ἀρτιάζειν. Of this *Ovid de nuce*,

Ut rerum, par sit numerus quæ clauat an impar.
Divinum asseret augur opus.

Some-

[c] Cœl. Rhod. l. 20. c. 18.

[d] Turneb. adver. l. 7. c. 4.

Sometimes they piled their nuts, three beneath, and one on the top, in manner of a Castle: of this *Ovid* speaketh likewise,

Quæque bicis nucibus una relicta tribus est,
Cum sibi supposititia puella fuit.

Yea, these nut-games were so many, and so peculiar to children, that children growing into mans estate, were still reputed children, until they forsook these nut-sports, whence *nucibus relictis* sounds as much as childishness being past; and this is thought to be the reason, why the bride-man, as soon as he was married, used to cast nuts among the people, intimating thereby a farewell to such childish pastimes. Many other childish games they had, among which one resembled our *Cross and pile*; for they termed it *Capita vel navim*; because the coyn which they tilupped or tossed into the air, bore stamped on the one side *Janus* his two faces, on the other side a ship.

[e] Rosin. ant. Rom. l. 5. c. 27.

[f] Anton. Constant. in Ovid. Fast. l. 1.

CHAP. 14.

De mensis & convivijs Romanorum.

BEfore we proceed into the description of the *Roman* tables, we will explain those five terms, *Jentaculum, Prandium, Merenda, Cœna, & Commessatio.* Which five words do signifie the five several feedings each day, which children, old men, labourers, travellers, and such like, did usually observe; for others of healthier and stronger constitution did commonly eat but one meal, at the most but two in the day. *Jentaculum* signifieth their break-fast, and it hath its name, like as our English hath, *à jejunio*, from fasting: in former times it was called *Silum*, from *Sile*, the name of a certain herb, with the root whereof they were wont to season that wine which they had at break-fast: for as *Plutarch* saith, their break-fast was nothing but a sop dipped in wine. In the same place he likewise saith, that in old time they had no dinner, but that which we call *Prandium*

[a] Rosin. ant. l. 5. c. 27.

[b] Plut in sym. l. 8. q. 6.

was the same with them as *Jentaculum*, and thus much the Greek word ἄριστον signifying a dinner, doth intimate, it being so called, *quasi* ἀὴρ ἐστὸν, from ἀὴρ, which signifyeth the morning. The name *Prandium*, which we render a dinner, was so said *quasi* πρωΐδιον, signifying Noon-tide, or Mid day. The third time of taking meat, was called *Merenda*, we may English it our afternoons beaver; it was called also *Antecœnium*, because it was taken a little before supper. e *Merenda est cibus qui decimante die sumitur, quasi post meridiem edendus, & proxime cœnæ; unde & antecœnium à quibusdam dicitur.* The fourth time was their supper, called *cœna*, *quasi* κοινὴ, which signifieth as much as *Common*, d *ubi omnes antiquitus sic sum solebant prandere Romani, cœnare cum amicis.* Their fifth and last time of feeding, was called in Latine *Comessatio* by some, by most *Comessatio*, à *comedendo*. f *Joannes Tritthemius* saith, that it is a beaver taken after supper, or a night drinking. But the chief feast, whereat they f gave entertainment, being their supper, we will consider these three things therein. First, *accumbendi vel discumbendi rationem*, that is, the manner of their lying at supper (for they did neither stand, nor sit at table, as we do:) secondly, the form and fashion of their table, and lastly the parts of their supper. The place where they supped, was commonly called *Cœnaculum* à cœna, as our *dining chamber* is so called from our dinner. It was also called *Triclinium*, or *Biclinium*, from κλίνη a bed, for sometimes there were 3 beds, sometimes but 2 about the table, upon which the guests did sit, or rather lie along. In this dining Parlour was placed a table, sometimes made quite round, and for the common sort of people it was made of ordinary wood, standing upon three feet, but for men of better rank, it was made of better timber, inlaid sometimes with wood of divers colours, sometimes with silver, and it stood upon one whole entire foot, made of Ivory, in the form of a great Lion or Leopard, &c. Unto the meaner sort of these tables *Horace* alludeth;

Modo

e Just. Lipsius cent. 1. ep 65.

d Plut. sym. l. 8. q. 6.

e In orat. pro M. Cœlio.

f Lazius de repub. Rom. l. 3. c. 3.

——*Modo sit mihi mensa tripes, Hor. Ser.* 13. unto the other, *Juvenal. Sat.* 11. *vet.* 122.

——*putere videntur*
Unguenta aut Rosa lotos nisi sustinet orbes
Grande cavos, & magno sublimis pardus hiatu.

Sometimes this table was made in the form of an half Moon, the one part thereof being cut in with an arch or semi circle, and then it was called *Sigma*, because it did much resemble the letter *Sigma*, ς which as it appeareth by certain marble monuments, was in old time made like a *Roman* C. Hence is that of *Mart. lib.* 14. 87. ς Rom. ant. l. 3. c. 18.

Accipe lunatæ scriptam testudine Sigma.

If any man should demand the reason, why they cut their table in that form, I must confess I have not read any reason in any author bearing shew of probability. My conjecture is this, it is agreed upon by most Authors, that in the round tables the one quarter was reserved void from guests, that the waiters might have a convenient room to attend: thereupon it seemeth not improbable unto me, that this crooked arch was made for the waiters. I acknowledge that this *Sigma* hath been confounded vocally by divers writers, as it appeareth by *Lipsius* in the late quoted place. By some it hath been taken for the Parlour, or supping chamber, so *Ligsius* in his Antiquities; by others for the supper or feast it self: so *Celius*. By *Lipsius* since it hath been thought a certain Place, erected in the manner of a semi-circle, or half Moon, against which they did place one continued bed, able to take in or seven guests But *Brodæus* and *Dimarsius* in my opinion have more truly taken it for the table it self. About the table that was perfectly round, were placed three beds, covered with tapestry, or some other kind of covering, according to the wealth and ability of the person; and thus

——*Strata disponitur ostro.*

The beds being ready furnished, the guests lie down in manner as followeth. Each bed contained three persons,

sons, sometimes four, seldom or never more, except at their great and more solemn feasts. If one only lay upon the bed, then he rested the upper part of his body upon his left Elbow, the lower part lying at length upon the bed; but if many lay upon the bed, then the uppermost did lie at the beds head, laying his feet behind the second his back; the second rested his head in the others bosom, having a cushion put between, laying his feet behind the third's back: in like manner the third and fourth did lie. The number of the guests was not great, seldom times exceeding nine; whence *A. Gellius* [b] saith, that the number of the guests should begin with the *Graces*, and end with the *Muses*, that is, they must not be fewer than three, nor more than nine. This also hath been the reason of that adage, *Septem convivium, novem convitium faciunt.* *Heliogabalus* seemeth to have been delighted with the number of eight, whence he invited to supper *octo calvos, octo luscos, octo pulcherrimos, octo surdos, octo raucos, octo insigniter nigros, octo insigniter longos, octo præpingues, & octo nasutos deletlatus ille Græco proverbio,* ὀκταποδίων. Those that were not invited, but came of their own accord unto a feast without bidding, by *Plautus* they are called *Musca*, flies: by others they are called *Umbræ*, shadows. Hence is that of *Horace*,

——*Locus est & pluribus umbris.*

The party which inviteth the guests, sometimes expressed his earnestness by pulling and haling one by the cloak: whence *Stuckius* observeth, that when they would shew how earnestly they were invited, they would say *Penulam mihi scidit*, He tore my cloak off my shoulder. Again on the other side, when they would shew how easily the guest was intreated, they would say, *Illius ego vix tetigi penulam, tamen remansit.* Before the guests sate down, their shoes were usually pluck'd off, that they might not foul the bed on which they did lie [l].

[b] *A. Gel. noct. Att. l.* 13. *c.* 11. Tribus aut novem modis convivia celebrantur: cyathis poculatoriis commodis, qui musas amat impares, Ternos ter cyathos attonitus petet Vates, tres prohibet supra Rixarum metuens tangere Gratia Nudis juncta sororibus. *Hor. carm. l.* 3 *Od.* 19. *Alex. Gen. dier. l.* 5. *c.* 22.

[k] Stuckius de convi. l. 4. c. 2.

[l] Terent. in Heautont.

Accurrunt

accurrunt servi, soleæ detrahunt,
Video alios festinare lectos sternere, cænam parare.

m They did likewise gird their heads with fillets and hair-laces, as often as they intended to drink more than ordinary, thereby to prevent the vapours, which otherwise would annoy the head; for which reason, they did likewise n use garlands of Ivy, and Myrtle-tree, and Roses: the coolness of which comforted the brain. These garlands were also *Symbolum plenæ libertatis*, a token of their full liberty. The Carver in these feasts was called from his artificial setting and ordering the dishes upon the table, *Structor*, and from his artificial carving and cutting up of the dish, *Carptor*. *Tryphœus*, as appeareth by *Juven. Sat.* 11. was famous for his skill in carving; he did set up a school, teaching such as came to him by rules and precepts, and also shewing them the manner of carving: which that he might the better do, he furnished a table with several dishes of meat, formed and fashioned in wood, with a dull knife, shewing his scholars after what manner, and with what gesture of their body they should cut up this or that dish. This supper because of the wooden dishes of meat was called *Cœna ulmea*. They divided their supper usually into three parts, which they termed their first, second, and third course. In the first course commonly was served mulberries, lettices, sausages, and alwayes *Eggs*; as likewise in the last course (whether the second or third) were served nuts, figs, grapes, but alwayes *Apples*: p whence we say proverbially, *Ab ovo ad mala*, from the beginning of the feast to the end: or simply from the beginning of any thing to the end thereof. The middle course was the main supper, and the chief dish thereof was called *Caput cœnæ*: In *Lipsius* his phrase it was called q *Fundus & fundamentum cœnæ*. Their first mess they called the *proœmium*; the last, the *epilogue*: which because it consisted so much of sweet and delicious meats, hence did they apply that unto the

m Cœl. Rhod. lib. 27. c. 26.

n Plin. lib. 8. cap. 2.

o Stuck. de conv. l. 3. c. 3.

p Panciro. lib. rer. deperdit. cap. de cibi capiendi modo.

q Stuc. l. 3. de conviv.

the second course, *addatur secunda mensa. Secundæ cogitationes sunt sapientiores.* If the table were well furnished with plenty and variety of dishes, it was called *Cœna vera*, or *Cœna dubia*: *Vera* in this place signifieth as much as *vera*: thus ἀληθὴς among the Grecians sometimes signifieth *verus & sincerus*. The phrase intimateth that it was a true supper, opposed to that dole of meat distributed by Princes to the People, which from the pannyer or basket in which it was brought, was called *Sportula*; sometimes they distributed money in stead of meat, this also was named *sportula*: so that *sportula* denoted any kind of dole, either of meat or money, which as often as it was given in lieu of a supper, it was opposed to *cœna vera*. Yea sometimes by *sportula* we may understand a light and short supper.

Turneb. adv. l. 5. c. 10.

Promissa est nobis sportula, vera dabo. *Martial.*

The reason why a great feast should be termed *Cœna dubia*, is, because in such variety of dishes the Guest is many times doubtful of which to begin. Contrary to this is *cœna ambulatoria*, a supper where one dish walketh through the table.

LII.

LIB. III. SECT. I.

Of the ROMAN *Assemblies.*

De Comitiis.

HItherto have we insisted upon the description of the most remarkable parts of the *Roman* City, together with the several divisions of the *Roman* people, as also the *Roman* Religion; where we have seen the general divisions of their Gods and their Sacrifices, with their Ceremonies thereunto belonging, and likewise of the *Roman* Games both greater and less. Now we are to proceed to that part of Government, which is political or Civil: where we will first speak of their Assemblies called *Comitia*; then of their Civil Magistrates; afterwards, of their punishments; and lastly, of so many of their Civil Laws, as I have observed needful for the understanding of *Tully*, and that principally in his Orations. For the more easie conceiving of all which, I have prefixed one Chapter of the *Roman* year, treating there of the *Calends*, *Ides*, and *Nones*, the knowledg of which is needful for that which followeth.

CAP. 1.

De Anno & partibus ejus.

INasmuch as there cannot be a full knowledge of the *Roman* Assemblies, without some general understanding of the *Roman* year, and the general distinctions of the *Roman* days; it cannot be but worth our labour in this short Chapter, briefly to consider what may be spoken therein. This word *Annus*, is so called, *quasi Annulus*, because (as the Greek word ἐνιαυτὸς signifieth) ἐν ἑαυτῷ ἔστι, *id est, in se convertitur annus*: which was the reason why the *Ægyptians* in their mystical Cyphers (called *literæ hieroglyphicæ*) did use the picture of a Serpent, having his tail in his mouth, to signifie an year. The time or space of this year hath been divers, according to the diversity of Nations. *a* Some allowed no more days to an year than we do to a moneth; whence that monethly space which the *Latines* called *Mensis* from *b* μὴν, signifying the Moon, they called *Annum Lunarum*. Some allowed four months, some six months, some ten. And thus *Romulus* measured his year, counting the months either from the number of our fingers, or from the time that a woman goeth with child, or from the time that a widow commonly mourned for her husbands death; or lastly, from the multiplication of unites, which in simple number doth not exceed ten.

a Vid. Plin. l. 7. c. 48.

b Paul. Mar. in Ovid. Fast. lib. 1.

Quod satis est utero matris dum prodeat infans,
Hoc anno statuit temporis esse satis.
Per totidem menses à funere conjugis uxor
Sustinet in viduâ tristia signa domo. Ovid. Fast. l. 1.

Annus erat, decimum cùm Luna receperat orbem,
Hic numerus magno tunc in honore fuit:
Seu quia tot digiti per quos numerare solemus,
Seu quia bis quino fœmina mense parit,
Seu quòd ad usque decem numero crescente venitur,
Principium spatiis sumitur inde novis. Ovid. Fast. l. 3.

Thus

Thus *Romulus* his year contained of months ten, of days 304. But after this *Numa* added two Moneths:

At Numa nec Janum, nec avitas præterit umbras,
Mensibus antiquis addidit ille duos. Ovid. l. 1. Fast.

Numa, *c* or as some say, *Tarquinius Priscus*, perceiving that the months did not always fall out alike every year; but sometimes the same moneth would happen in the Summer, sometimes in the Winter; thereupon after long study, and many instructions from the *Grecians*, finding the reason of this confusedness, he added unto *Romulus* his year fifty days, so that the whole year afterward was divided into twelve months; because the Moon had finished her course twelve times in that space; beginning their year then at *January*, because then in his judgment was the fittest time to begin the year, when the Sun being farthest from us, did begin to turn his course, and to come unto us again; which is about *January*, the Sun being about the *Tropick* of *Capricorn*. Afterward, upon a superstitious conceit of the odd number, *Numa* added one day more unto *January*; so that whereas at the first *Numa* his year did agree with the *Grecian* year, both of them containing three hundred fifty four days, now the *Roman* year contained three hundred fifty five days: which computation falling out too short for the true year by the space of ten days and six hours yearly, it occasioned in every eighth year the interposition of three whole months, which they called their Leap-year. *d* This confusedness afterward *Julius Cæsar* by long study remedied, adding the odd ten days unto *Numa Pompilius* his year. And lest the odd six hours might at last breed disorder in their computation, he appointed that every fourth year a whole day should be inserted, next after the three and twentieth of *February*; which inserting they called *Intercalatio*, from an old Verb *Intercalo*; and that day they called *Intercalarem*. Now the day following, being the four and twentieth of *February*, was always the sixth of the Kalends of *March*; *e* and therefore because of the interposition of

c Vid. Georg. Merulam in orat. pro Q. Ligario.

d G. Merul. in orat. pro Q. Ligario.

e G. Merul. in orat. pro Q. Ligario.

that day, they called the Leap-year *Annum biſextilem*, that is, the year wherein there falled out two days, which they called *Sext. Calend. Martii.* And the day thus interpoſed, was called *dies biſſextus.* This computation, which *Julius Cæſar* found out, we have embraced, and do at this day follow, calling our year *Annum Julianum*, *f* and *Annum magnum*, having relation to the monthly year called *Annus Lunaris*; and ſometimes this great year is called, *Annus vertens, à vertendo*, becauſe it is always turning and running on. *g* Moreover we muſt remember, that the *Romans* did begin their year at *March*; whence that month, which ſince hath been called *Julius* in the honor of *Julius Cæſar*, was by them called *Quintilis*, becauſe it was the fifth moneth; and that month which ſince hath been called *Auguſtus*, in the remembrance of *Auguſtus Cæſar*, was by them called *Sextilis*, becauſe it was their ſixth month. Thus then the great year being divided into twelve months, every month was divided into three parts, *id eſt*, *Calendas*, *Nonas*, and *Idus*. The *Kalends* were ſo proper unto the *Romans*, *h* that *Auguſtus Cæſar*, when he putpoſed never to do what he was requeſted, was wont by way of Proverb to ſay, that he would do it *Ad Calendas Græcas*, that is to ſay in our Engliſh Proverb, *At later Lammas*, *never*. For the better underſtanding of which, I ſhall inſert three common Verſes:

Principium menſis noſtri dixere Calendas:
Sex Majus Nonas, October, Julius, & Mars,
Quatuor at reliqui tenet Idus quilibet octo.

That is, the firſt day of every month is called the Kalends of that moneth. The 2, 3, 4, 5, 6, and 7. of theſe four months, *May*, *October*, *July*, and *March*, were called the Nones of that month: but in all the other months the Nones contained but the 2, 3, 4, and 5 days; ſo that the fifth day (for example ſake of *January*, was called *Nonæ Januariæ*, or *Januarii*, the fourth *Pridie Nonarum*, or *Nonas Jan.*) For they uſed always to ſay, *Pridie Cal. Pridie Nonar.*

f Roſin. ant. Rom. l. 4.

g Hiberr. l. 3 ep. ſa. m 18.

h Suet. Oct. Aug c 17.

Nonar. and *Pridie Iduum*, instead of *ſecundo Cal. Non. Id.* The third day of *January* they called *tertium Nonarum, vel Nonas Januar.* the ſecond day of *January* they called *quartum Nonarum, vel Nonas Januar.* After the *Nones* followed the *Ides*, which contained eight dayes in every moneth, ſo that the 15 day of the four aforeſaid moneths was called *Idus Maii, Idus Octob. Idus Julii*, and *Idus Martii.* In all the other months the 13 day was the *Ides*; as to proceed in *January*, the 13 day was called *Idus Januar.* the 12 *Pridie Iduum, vel Idus Januar.* the 11 *tertio Iduum*, or *Idus Jan.* the 10 *quarto Iduum, vel Idus Jan.* the ninth, 5 *Id. Jan.* the eighth, 6 *Id. Jan.* the ſeventh, 7 *Id. Jan.* the ſixth, 8 *Id. Jan.* After the *Ides* then followed the *Calends* of the next moneth. As the 14 of *January* was *decimo nono Calendarum*, or *Calendas Februar.* the 15 *decimo octavo Calend. Feb.* the 16 *decimo ſeptimo Cal. Feb. &c.* Where we muſt note, that as often as we uſe *Pridie, tertio, quarto*, or any of thoſe numerals with an Accuſative caſe, as *Pridie Calendas*, &c. the *Grammarians* ſay, that this Prepoſition *Ante* is eclipſed. Again, every moneth had in its compaſs three great Markets, which becauſe they were obſerved every ninth day, were called *Nundinæ*; and the later of them being the greateſt, is called by *Atheneus* τρίτη ἐκκλησία, which we may render *Trinundinum*, or *Trinum nundinum.* It followeth now that I ſhould treat of the days, which are the leſſer parts of the year: where before we proceed, we will conſider the parts which the *Romans* divided their day into.

Dies

Dies Civilis continet

- *Lucem, cujus partes sunt*
  - *Diluculum.* The break of day.
  - *Mane.* The full morning.
  - *Ad meridiem.* The forenoon.
  - *Meridies, quasi Medius dies,* Mid-day; or *quasi Merus dies,* Perfect day, noon.
  - *De Meridia.* After-noon.
  - *Solis occasus.* Sun-setting.
  - *Crepusculum.* The Dusk of the evening.
- *Noctem, cujus partes sunt*
  - *Prima fax.* Candle tinding.
  - *Vesper.* The night.
  - *Concubium.* Bed-time.
  - *Nox intempesta.* The first sleep.
  - *Ad mediam noctem.* Towards midnight.
  - *Media nox.* Midnight.
  - *De media nocte.* A little after midnight.
  - *Gallicinium.* Cock-crowing.
  - *Conticinium.* All the time from Cock-crowing to the break of day.

The day and night again were each of them divided into *primam, secundam, tertiam, & quartam vigiliam*, every watch containing three hours. The first of the night began at six of the clock in the evening, and the fourth ended at six of the clock in the morning. *g* These watches were distinguished by several notes and sounds of Cornets or Trumpets, that by the distinction and diversity thereof, it might easily be known what watch was sounded. Moreover, we must understand that the *Romans*, upon a superstitious conceit and observation of misfortunes, and evil events falling out on some days, and more happy success upon other, have called the former sort of days *Atros dies*, or *dies postriduanos, & Ægyptiacos: ἀποφράδας Græci nuncupant, perinde ac si nefandos dicas.* The reason why they were called *Postriduani*, was because they thought *Dies postridie Calendas, Nonas, & Idas, i. e.* The next day after the Calends, Nones, or Ides of every moneth, to be unfortunate: and the later sort they called *Albos dies*, *h* borrowing the name from the *Scythians*,

g Alex. Gen. l. 1. c. 12.

h Vid. Eras. adag. unione signare.

thians, who uſed to chalk out the fortunate days in their Kalendars with white Characters: whence *Horace* ſaith,

Creſſa non careat pulchra dies nota.

Other-ſome, as their unfortunate and unlucky days, were noted with a coal or black Character, according to that, —— *Nigro carbone notatas.*

Again, their Kalendar diſtinguiſhed ſome days for Holy-days, which they called *Dies feſtos*, feſtival-days, or *dies Feriatos*, & *Feriæ*, Holy-days, *i* becauſe they did upon ſuch days *Ferire victimas*, i. e. offer up ſacrifices. Others were diſtinguiſhed for working-days, which they called *Profeſtos, quaſi procul à feſtis.* The third diſtinction was of half holy-days, which *intercidendo*, they called *Dies interciſos*, as it were days cut aſunder: the one part of them being allotted for worldly buſineſs, the other for holy and religious exerciſes. *k* Theſe *feriæ* were either *privatæ*, and ſo they belonged ſometimes to whole Families, as *Familiæ Claudiæ, Æmiliæ, Juliæ*, &c. ſometimes to private perſons, as every one his birth-day, particular expiations, &c. or elſe they were *publicæ*, ſuch as the whole Common-wealth did obſerve; and they were of two ſorts, the one called *Anniverſariæ*, which were always to be kept on a certain day, *l* and thereupon they were called *feriæ ſtativæ*; the other *conceptivæ*, which were arbitrary, and ſolemnized upon ſuch days as the Magiſtrates and Prieſts thought moſt expedient, whereof the *Latinæ feriæ* were chief: which *Latinæ feriæ* were kept on Mount *Alban* to *Jupiter Latiar*, for the preſervation of all the Latine people in league and confederacy with the *Romans*, and were ſolemnized in memory of the truce between thoſe two Nations. Thoſe *Feriæ*, which were called *Imperativæ*, & *m Indictivæ*, becauſe the *Conſul*, *Prætor*, or chief *Pontifex*, according to their pleaſure, *imperabant*, & *indicabant has*, i. e. commanded them, may in my opinion be contained under that number of *Feriæ conceptivæ*, in reſpect of the uncertainty of them. Another diſtinction of days is found in the *Roman Kalendar*, to have

i Aſconſius in ep. 3 Illuſt. tit. l. 2.

k Roſin. ant. l. 4. c. 3.

l Alex Gen. dier. l. 5. c. 7.

m Alex. Gen. dier. l. 6. c. 7. Serv. Æn. 11.

have been in *Fastos*, whole Court or Leet-days; *Ex parte Fastos*, half Court-days; *Nefastos*, Non Leet-days; though this word *Nefastos* be often expounded unlucky, as in that of *o Horace* touching the tree, *Ille & nefasto te posuit die*, that is, he planted thee in an unhappy time. These days were called *à fando*, from speaking; because upon those days which were *fasti*, the *Prætor*, or L. Chief Justice might lawfully keep Court and administer Justice, which was not done without the speaking of these three words, *Do*, *Dico*, *& Addico*; *p Dabat actionem*; *Dicebat jus*; *Addicebat tam res quam homines*. Where by the way we must note, that sometimes these Court-days were also called *dies Comitiales*, because that *q* upon every such day which was noted in the Kalendar for a Comitial day, if the publike Assemblies were not held, it was lawful to keep Court: whence not only *Comitiales dies* doth signifie a Law-day, but *Comitialis homo* also doth signifie a wrangler in the Law, or a litigious person.

o Carminum l. 2. Ode 13.

p Joach. Camerar. pro Flacco.

q Bersman in suis annot. in Rom. Calen. ad finem Ov. Fast.

CAP. 2.

De Comitiis idque Calatis præcipuis; de Rogationibus, & antiqua scribendi ratione.

EVery assembly of all the *Roman* people being called together by a lawful Magistrate to determine any matter by way of giving voices, is *à cocundo* termed *Comitia* simply, without the adjection of any other word; or *Comitia Calata*, that is, assemblies called together, from καλέω or the obsolete Latine Verb *Calo*, which signifieth to call; though afterward those assemblies only which were held either for the inaugurating of some Pontifie, some *Augur*, some *Flamen*, or him that was called *Rex sacrorum*, or for the making of their wills and testaments, were called *Calata Comitia*. Whence the Will that was made in these assemblies was called *Testamentum Calatis Comitiis*. This kind of assembly is sometimes called *Comitia Pontificia*, and *Comitia Sacerdotum*, in that sense as others

a Joan. Trifinus in orat. pro Cœlio.

others are called *Consulatia*, or *Ædilitia Comitia*, namely, because the Pontifices in these, as the *Consuls* and *Ædiles Plebis* in the other, were chosen. There follow three other kinds of assemblies: for either the people did assemble themselves by Parishes, called *Curiæ*, or by hundreds, called *Centuriæ*, or by Wards called *Tribus*. The first sort of assemblies they called *Comitia Curiata*, the second *Comitia Centuriata*, the last *Comitia Tributa*: *b* where by the way we must note, that that thing which was determined by the *major* part in any Parish, hundred, or ward, was said to be determined by that whole Parish, hundred or ward; and that which was determined by the *major* part of parishes, hundreds or wards, was said to be approved *comitiis Curiatis, Centuriatis, vel Tributis*. Secondly we must note, that neither children, until they were seventeen years old, nor old men after the sixtieth year of their age, were allowed to suffrage in these assemblies; whence arose that adage, *Sexagenarii de ponte dejiciendi*, *c* and old men were hence called *Depontani*, for the explication of which see before. Here before we speak of those three several kinds of assemblies, we will consider the manner of their proceedings, in propounding cases unto the assemblies. *d* The custom was at first, that the *Romans* should bestow their suffrages *Viva voce*; but afterward that every one might with freer liberty give his voice, they commanded certain wooden tables, wherein the names of those that stood for Offices were written, to be carried about; every suffrager receiving so many tables as there were suitors; then did the people give back that table with whom they would suffrage. But if a law were to be enacted, then every suffrager received two tables, in the one of which were written these two greater letters V. R. in the other was written a great Roman A. those who delivered these tables into the people, did stand at the lower end of those bridges (which were erected up for the suffragers to ascend unto the *ovilia*), whence they were called *Diribitores*, *e* from distributing, *Diribitores*. At the other end of the

b Sigon. de jure Rom. lib. 1. cap. 17.

c Pars putat ut ferrent juvenes suffragia soli: Pontibus infirmos præcipitasse senes. Ov. Fast.

d Philip. Beroaldus in orat. Phil. 11.

S bridges

bridges were placed certain chests or little coffers, into which the suffragers which did approve the Law did cast in the first table; those that disliked it, did cast in the second; for by those two letters V. R. which were written in the full is meant *Uti Rogas*, i. e. Be it as thou hast asked, this word *sis* being understood by A. in the second table was meant *Antiquo*, i. e. I forbid it, the word signifying as much as *antiquum volo*, I like the old law, I love no innovations. The tables being thus cast into the chests, certain men appointed for that purpose in manner of Scrutators, (they called them *Custodes*, and sometimes [e] *Nomenclatores*) did take the tables out of the chests, and so number the voices, by making so many points or pricks in a void table, as they found tables alike: which kind of accounting occasioned these and the like phrases, *Suffragiorum puncta non tulit septem*, and *quod tulit punctum*; where *punctum* is used for *suffragium*: The voices being thus numbred, it was pronounced by the common Crier what was decreed. Because the use of these Tables is now grown quite out of use, I shall make bold to insert that which with much labour I have collected out of several Authors touching these tables. It is certain that a long time the use of paper was not known, whereupon men were wont to write sometimes upon the inward rinds of trees called in Latine *Libri*, (so that to this day we call our books *Libri*, because in old time they were made of those rinds of trees) sometimes they did write in great leaves made of that rush *Papyrus*, growing in *Egypt*, from which we have derived our English word *Paper*, and the Latine word *Papyrus*, now signifying writing paper. Shortly after the invention of this Egyptian paper, *Ptolemy* the King of *Egypt* restrained the common making thereof, because of the great emulation between him and *Eumenes* King of *Pergamus* concerning their Libraries; not long after the fellow *Pergamus*, having found out the making of parchment, he made use thereof in writing, and called it from the place *Pergamena*. At this

[e] P. in. l. 33. c. 2.

[f] Plin. l. 33. chap. 12.

thing

time did the Romans use to write in tables of wood, covered with wax, called in Latine *cerata tabulæ*. They wrote their Wills and Testaments in tables, *b Hinc secundum & contra tabulas bonorum possessio*; The possession of goods either according to, or against the Testator his Will. Because of the wax wherewith these tables were covered, *cera* is often used in the same sense; *Heredes primæ ceræ*, i. *primæ tabulæ, & in primo gradu positi*, by which words I think are understood such heirs as *Alexander* called *Heredes ex toto asse*, that is heirs to the main inheritance, opposing them to those which did receive only legacies, whom he called there *Heredes in imâ cerâ, secundos heredes, & ligatarios*. *d Sylvius* not upon improbable grounds doth think that *Tully* doth understand by *Heredes secundi*, such heirs as were nominated to succeed the chief heir or heirs if they died. They wrote their accounts in tables, hence *Tabulæ accepti & expensi*, signifying reckoning books. These count-books were *e* of two sorts, some monthly, without order or method, called *Adversaria*: *Quod adversa parte etiam scriptis impleremus*. Others perpetual, being the transcript of the former, called *Tabulæ accepti & expensi*. They wrote their statutes also in tables, whence *Tabulæ publicæ* are Englished statute-books, or other books of record. Those writings or instruments which the Senate or Emperour caused to be hanged up in the Market-place, to release and discharge any bankrupt from paying his debts, they termed *tabulas novas*, we may English them *f* Letters of protection. They wrote their inventories of goods set to sale in Tables, calling them *tabulas auctionarias*: yea they indicted their epistles and common letters in tables: insomuch that *tabellæ* are expounded missive letters, and *tabellarius*, which properly signifieth a carrier of tables, is now used to signifie a letter carrier: yet they sometimes wrote also in plates of lead, *g* under whose names *h* Suetonius mentioneth *æraria plumbea*, concerning

b P. Pithœus in orat. pro A. Cœcinna.

c Alex. Gen. dier. l. 1. c. 1.

d Fr. Sylv. pro Cluent.

e Cœ. Rhod. l. 12. c. 21.

f Fr. Sylv. in orat. Catilin.

g Suidas in voce, μόλυβδος

h Suet. Ner.

cerning all these, *i Plini* writeth excellently. Before the use and making of paper was invented, men wrote at first in Palm-tree leaves, afterwards in the rindes of certain trees; afterwards publick monuments were recorded in volumes or rolls of lead, at least private matters, on fine linnen or wax. *k* The Manner how they sealed their letters was thus: they did bind another table unto that wherein the inditement was, with some strong thread, sealing the knot of that thread with wax; whence *Cicero* saith, *Linum inscidimus*, that is, we opened the letters; hence also is that of *Plautus*, *Cedo tu cerum ac linum age, obliga, obsigna cito.* *l* The Impression was commonly their own image, or the image of some of their ancestors. The matter on which the impression was made, was not always wax, but sometimes a kind of tempered chalk, which occasioned that phrase of *Tullies*, *m Signum illi animadvertit in cretula.* *n* Lastly, they wrote their books in tables, whence from them we do at this day call our books *codices à codicibus*, *caudex* signifying properly the trunck or stock of a tree, whereof these tables or books were made. We must note withall, that they wrote not with ink or quill, but with an instrument of steel or iron, having *o* a sharp point at the one end, and being broad, yet keen and well edged at the other; with the sharp point they did write what they pleased, with the broad end they did scrape out what they had written: whence *Stylum invertere*, is to say and unsay a thing, to turn his punch the wrong end downward, as it were to scrape out that which one had formerly written. The *Romans* did afterward use instead thereof, an instrument made of bone, prohibiting the use of iron ones as *p Isidore* noteth by that law, *Ceram ferrore ne cædito.* And as we use this word *Manus*, to signifie the writing it self, according to that of *q Tully*, *cognovit manum, & signum suum*: so in the like sense we use this word *Stylus*, to signifie the peculiar tenure or strain of phrase which any man observeth in the composing of an oration, epistle or such like,

in

i Plin. l. 13. cap. 11.

k Fr. Sylv. in orat. Ca. li. 3.

l Just. Lipsi. ep inst. c. 4.

m Cic. 4 in Verrem.

n P. Pellitar. in orat. pro A. Cæcina.

o Vid. Erasm. Adag.

p Herman. Hugo de prima scrib. orig. cap. 9.

q Cic. orat. cont. Catil.

in which sense *Tully* useth it, as the antitheton to *gladius* in that speech of his, *Cedat forum castris, otium militiæ, stylus gladio*, though in another place he useth it to signifie, if not a sword yet a pocket dagger, as, *Et si meus ille stylus fuisset*, in which place *Stylus* doth signifie as much as *pugio*. And here seeing we are fallen into the manner and custom of ancient writing, it will not be amiss to note, that usually at the end of their books, they printed a little mark, which they termed *Coronis*. Those that interpret *Aristophanes*, describe that mark thus, saying, that it is *t Linea brevis ab inferiore parte flexa*. All agree in this, that it was some common and known dash usually subjoyned to the end of books. *u* Others are of opinion, that the ancient *Romans* did in the like manner adorn the frontispiece, or beginning of their books with the picture of an half Moon; which observation giveth light not only to that adage, *Ad Kalendas Græcas*, from the beginning to the ending; but also that of *Martial. l.* 10.

Sinunta videor, seriàs coronide longus
Esse liber; legito pauca, libellus ero.

And that of *Ovid.*

Candida nec nigra cornua fronte gero.

For in *Turnebus* his judgement those half Moons prefixed were called *Cornua*. Howsoever this may be true touching the dash, or character at the end of the book, and that it was termed *Coronis*, yet I doubt whether any such half Moon was usually prefixed in the beginning of books, or whether such an half Moon were denoted by the Latine word *Cornu*. More probable is his opinion, *x* who treating of this very matter, saith that in old time a whole book was written in one continued page, neither did they then role their books into many leaves, and bind them up in that manner as we do; but that one intire page in which alone the book was written, was wont to be rolled up upon a staff, fastned at the end thereof, in manner as many large Maps are

now

s Cic. orat. pro Muræn. M. c. Toxita in orat. Phil. 2.

t Cœl. Rhod. l. 15. cap. 10.

u Turn. adv. l. 22. cap. 10.

x Pyr hierog. lib. 34.

now adayes with us: hence it is, that we call our books *Volumina*, Volums. This staff on which the book is rolled was called *Umbilicus*, the same word signifieth a navel, which because it is the middle part, and as it were the centre of a mans body, hence approved Authors use the word to signifie the middle of any thing, and haply that name was first given this staff, because when the book was rolled up, the staff was the middle thereof: howsoever, because it was fastned always at the end of the page, hence *Umbilicus*, especially when it is applied to a book, signifieth the end thereof, as *Horace ad umbilicum ducere*, to bring to end. The two pumels or ends of this staff, which did jet out and appear on each side of the Volume, they called *Cornua*; and they were wont to be tipt with Silver or Gold, or otherwise adorned. The Title which was the beginning of every book, was termed *frons*. This seemeth more probable than that of *Turnebus*, and giveth greater light to that of *Ovid*,

Candida nec nigra cornua fronte gero.

Now that we may proceed to the matter whence we have digressed, it remaineth that we should declare the manner how they enacted their laws. All the *Romans* though free Citizens, had not power and authority of preferring the Law, but only eight of their Magistrates, which they called *Magistratus Majores*, namely the *Praetor*, the *Consuls*, the *Dictator*, the *Interrex*, the *Decemviri*, the *military Tribunes*, the *Kings*, and the *Triumviri*: unto these eight were added one of those whom they entituled *Magistratus minores*, namely the *Tribunus plebis*. If any of these Magistrates thought it fit to prefer a law, then did he first write it down at home, and consult with some Lawyer, whether or no it might be for the good of the Common-wealth, whether it should not weaken any former Law, or whether it was not formerly included in some other Law, &c. These, and many other cautions were to be considered before it was preferred,

feared, yet some would have the approbation of the whole Senate after the advice of their Lawyer, though divers times that hath been omitted: and the Lawyer alone allowing it, the Law was hanged out publickly in the Market place for the space of three Market dayes, which kind of publishing the Law was termed *Legis promulgatio, quasi proculgatio.* during which time of promulgation, reasons were alledged *pro* and *con* by the spectators, and all the people had so much time to consult of the conveniency thereof, and every one upon just reason had free liberty to admonish him that preferred the Law, either to amend it, or to forsake the proposal. After the third Market day (for unless it were upon an extraordinary occasion, no assembly might be called upon a Market day, because of the country folks businesses, they also having freedom of suffraging) the Magistrate did convocate the people to that place where the Law was to be passed, there the Town Clerk, or Notary, reading the Law, the common Cryer proclaimed it, then did he which promulged it, make an oration unto the people, perswading them that it might pass. Sometimes others of his friends would second him with Orations in his behalf: as likewise others that disliked it, would by Orations dissuade the people, shewing the inconveniencyes thereof. After the Orations had been ended, an urn or pitcher was brought with certain pricks there present, into which were cut the names of the Tribes, if the *Comitia* were *Tributa*, or of the Centuries, if they were *Centuriata*, of the Parishes, if *Curiata*: then *sortitio aquam*, that is, the lots being shaken together, they drew their lots, and that Tribe or Century, whose name was first drawn, was called *Tribus vel Centuria praerogativa, a praerogando*, because they were first asked their voices. *Varro* interpreting that of Tully, *Reliquae centuriae praerogativae omnes* &c. *Reliquae centuriae*, saith he, *quia praerogativae, id est, ante rogatae, quam illa, quae sequebatur, ut ab ea pendeat, quae ante rogata est.* That the Assembly did depend upon the prerogative Century, that they would always observe what *Comitia* that was chosen by them,

them *ad l. 5. c. 23.* That *Curia* upon which the first lot fell, was cal'd *q Principium*, because that *Curia* did first suffrage: those Tribes upon whom the other lots fell, namely the 2. 3. 4. &c. were termed *Tribus jure vocatæ*. From this distinction it is, that such a man as hath the voices of the prerogative Tribe or Century is said to have *r Omen prærogativum*: which good fortune whosoever could attain unto, was in great hopes of obtaining the other voices of the *jure vocatæ*; for they never, or very seldom, would swerve from the determination of the prerogative Tribe or Century. Whilst the people were busie in their lottery, in the mean time if any *s* Tribune of the Commons would *intercedere*, that is, forbid the proceeding, he might be heard, & the whole assembly thereupon should be dismissed; likewise they were dismissed, if either he which first promulged the law did alter his opinion, or if the Consul commanded supplications to be offer'd up in the behalf of their Emperour, or any of those holy-dayes, called, *Feriæ Latinæ vel Imperatoriæ* to be observ'd upon that day, or if any of the people assembl'd were taken with the falling sickness (by reason whereof that disease is called by the *t* Physitians at this day *Morbus Comitialis*.) Lastly the assemblies were dissolved by reason of the Sooth-sayings, which kind of dissolution was caused either by the civill Magistrates observing of signes and tokens in the heaven, and that was called *Spectio*, and sometimes *De Cælo observatio*; the very act of this observation, though no unlucky token did appear, dissolved the assembly: or else it was caused by the *Augures* and civil Magistrate promiscuously, whensoever any evil token was seen or heard, either by the Magistrate, or *Augures* (amongst which thunder was alwayes counted the unluckiest) at which time the assemblies were in like manner to be dissolved. This manner of dissolution was termed *Obnunciatio* or *Nuntiatio*, *u Obnunciabat, qui contra auspicia aliqua fieri nunciabat.* Both these kinds are cast to be collected out of that speech in *Tully*, *x Nec Augures Novum in agrum solam*

q Rosin ant. lib 6. cap. 7.

r Cic. pro Muræn.

s Huber. in lib. 1 Cic. ep. fam. 2.

t Fuchsii inst. medicin. l. 3. sect. 1.

u Stadius in Flor. l. 3. c. 7.

x Cic. orat. Philip. 2.

forum Babonis, Consules & reliqui magistratus illam petebant, there we may fitly in way of conclusion unto this tract, add a just difference to be observed between these phrases. *Promulgare, Rogare, Ferre, & Figere legem. Promulgare legem*, was to hang up a law not yet asked, to the publick view of the people, to be examined by them touching the convenience thereof. *Rogare legem*, was to use a certain Oration unto the people, to perswade the convenience of the law; which Oration because it began with this form of words, *Velitis jubeatisne Quirites?* that is, O ye *Romans*, is it your will and pleasure that this law shall pass or no? Hence was it termed *Legis rogatio*. *Ferre legem*, was when the law had been approved of by the people, then to write it down upon record, and so to lay it up in the treasure-house. *y Cum approbata fuisset lex, in æs incidebatur, & in ærario condebatur, & tunc demum lata dicebatur.* Lastly, *Figere legem*, was to publish the law after it had been approved and recorded *z* by hanging it up in tables of brass in their Market-places, or at their Church doors. Hence it is that we use *a Latum figere* in the large sense, namely to enact or establish a law; and *Refigere legem*, to disprove or cancel a law: and that which was determined *Comitiis curiatis*, was termed *Lex curiata*; that which was *Comitiis centuriatis*, *Lex Centuriata*; that which was *Comitiis tributis*, was not called a law, but *Plebiscitum*.

y F. Maturantius in Phil. 1.

z Cer. Tacit. annal. l. 11.

a F. Matur. in Phil. 12.

b Sig. de jure pro l. 3. c. 1.

CAP. 2.

De Comitiis Curiatis.

Comitia curiata were those, wherein the *Roman* people being divided into 30 Parties, did give their suffrages; They were so called from *Curia*, signifying a Parish. And until *Servius Hostilius* his time who did first institute the *Comitia centuriata*, all things which were determin'd by the suffrages of the people, were determin'd by their *Curiata comitia*: But after the other two sorts

of assemblies had been established, these *Curiatæ* were used only either for the enacting of some particular laws or for the creating of some certain Priests called *Flamines*. For the better understanding hereof, we must remember, that though at first these thirty Parishes were parts of the three Tribes (each Tribe being divided into ten Parishes) yet in process of time the increase of the *Roman* people was such, that a great part of the *Roman* fields were filled with buildings and places of habitation, insomuch that the Tribes of the *Romans* were increased to thirty five: but the Parishes (because none that dwelt out of the City were tied to the rites and ceremonies of the *Roman* Religion) did not increase, so that the Parishes did not always remain parts of the Tribes. Hence it followeth, that all the *Romans* had not power to suffrage in these Assemblies, but those alone who dwelt within the City, for no other could be of any Parish. The place where these Assemblies were held, was the great Hall of Justice, called from these Assemblies *Comitium*. Before these Assemblies were held, it was required that some lawful Magistrate for some competent time before-hand should solemnly proclaim them, and the thirty Serjeants (each Parish having for that purpose his Serjeant,) should call the people together: as likewise three *Augurs*, or at least, one should be present to assure them, by their observations, either of the favour or displeasure of the Gods. Upon these premisses the matter was proposed unto the people, who if they liked it, then they proceeded unto their election; if otherwise they disliked it, then did the *Tribunus plebis intercedere*, that is, forbid their proceedings: whereupon their Assemblies were presently dissolved.

CAP.

CAP. 4.

De Comitiis Centuriatis.

AS those former assemblies were called *Curiata à curiis*, so were these called *Centuriata à centuriis. Servius Tullius* caused a general valuation of every Citizens estate throughout *Rome*, to be taken upon record, together with their Age, and according to their Estates and Age, he divided the *Romans* into six great Armies or Bands, which he called *Classes*; though in truth there were but five of special note; the sixth contained none but the poorer sort, and those of no worth or esteem. The valuation of those in the first *Classis*, was not under two hundred pounds; and they alone by way of excellency were termed *Classici*; and hence figuratively are our best and worthiest Authors called *Classici scriptores*, Classical Authors. *d* All the others, though they were inrolled in the second, third, or any other *Classis*; yet were they said to be *infra classem*. The valuation of the second Band was not under sevenscore pounds. The valuation of the third was not so little as an hundred pounds. Of the fourth not less than forty pounds. Of the fifth not less than twenty five pounds. The sixth contain'd the poorer sort, whom *Horace* calleth *Tenuis census homines*, men of small substance, and also they were called *Proletarii, à munere efficiendæ prolis edendæ*, as if the only good that they did to the Common-weal, were in begetting of children; and sometimes they were called *Capite censi*, that is such as paied very little or nothing at all towards Subsidies, but only they were registred among the Citizens, as it appeareth by *e Sigonius*. These six great bands or Armies were subdivided into hundreds, called in Latine *Centuriæ*. The first *Classis* contained fourscore Centuries of footmen, and eighteen of horsemen; The second contained twenty centuries of footmen and two of workmen, which followed after to make

d A. Gel. l. 7. c. 13.

e Sig. de jur. Rom. l. c. 1.

military engines and weapons: The third also, as likewise the fourth, contained twenty centuries of footmen, but to the fourth were added two other centuries of Trumpeters, Drummers, and such like, who upon just occasion did *Classicum canere*, sound the Alarum, and upon just occasion did again *receptui canere*, sound the retreat. The fifth *Classis* contained thirty centuries of footmen: the sixth or last *Classis* contained one century: so that in all the 6 *Classes* were contained 193 centuries. Where we must note, that all the centuries of footmen did consist, the one half in every *Classis* of the younger sort, who were to make war abroad upon the enemies; the other half of old men, who remained at home for the safety of the City. All that hath been hitherto spoken of these *Centuriata Comitia*, may be collected but of *Sigonius* in the place above quoted. The chief Commander of every century was called *Centurio*; the rod or tip-staff wherewith he did strike his Souldiers to keep them in array, was called by *Pliny*, *Centurionum vitis*. So then we may perceive, that those *Centuriata comitia* were those wherein the people did give their voices by centuries or hundreds. Now the centuries did not consist of those alone which had their places of habitation at *Rome*, but of certain *Municipal* States also, and such Colonies or other States that could *d Plenum civitatis jus cum jure suffragii adipisci*. Now the custom in old time was, that all these centuries should march in their armour after their Magistrate which Assembled them into the *Campus Martius*, there to give their voices. But this custom continued not long; for thereby they did disarm the City, and give their enemies (if any should assail them in time of their assemblies) the greater advantage; for their greater security thereof, they appointed a flag to be hanged out upon the mount *Janiculus*, some few armed men standing there in watch and ward for the safeguard of the City; and when the assembly was to be dissolved then did the watch depart, and the flag was taken down: neither could

d Rosin. ant. li. 6. cap. 10.
e Rosin. ant. Rom. l. 6. c. 16.

could any thing after that be determined; but if they continued their Assemblies, then did they proceed to the giving of their voices, in old time thus: Those centuries of the first Classis being the wealthier, had the Prerogative of suffraging first, and because this first Classis contained more centuries than all the rest, therefore if they could agree among themselves, the other centuries were never asked their voices. This kind of suffraging being somewhat partial, inasmuch as the richer and wealthier being placed in the first Classis, did oversway the elections against the poorer sort of people, thence did the after ages appoint that that century should have the Prerogative of suffraging first, upon whom the lot fell. The other centuries were called *f centuriæ Jure vocatæ*, and did give their voices, not by lots (as the *Tribus, Jure vocata* did) but the elder and wealthier centuries did suffrage next after the Prerogative century, accordingly as their place required. f Rosin. ant. Rom. l. 5. c. 20.

CAP. 5.

De comitiis Tributis.

FOr the better understanding of these assemblies by Tribes or Wards, it will be needful first to learn that this ward *Tribus* in this place doth signifie a certain region, ward, or local place of the City, or the fields belonging thereunto, according to that g *Tributa Comitia erant, cum ex regionibus & locis suffragabantur.* It was so called either *à tributo dando*, every several region or quarter paying such a tribute: or *quia primò tres tantum fuerunt*, the whole City being at first divided only into three regions, or wards, each national tribe having his several region, or local tribe to dwell in. The first national tribe called *Ramnenses*, did inhabit the Mount *Palatine*, and the Mount *Cælius*, and those two hills made the first local tribe. The second national tribe called *Tatienses*, did inhabit the *Capitol*, and the *Quirinal* Mountain, which two g A. Gel. l. 15. cap. 27.

Mount-

Mountains made the second local tribe. The third national tribe did inhabit the Plain between the *Capitol* and the *Palatine* Hill, and that plain was called the third local tribe. Of these tribes more is spoken in the first division of the *Roman* people. Only here we must note thus much, that in process of time, after the City was inlarged, and the number of the *Roman* Citizens increased, these local tribes were also augmented, so that they amounted at the last to the number of 35. some of them being called *Urbanæ*, others *Rusticæ*. *b Urbanæ ab urbis regionibus; Rusticæ ab agri partibus erant nuncupatæ.* And of those two sorts, the *Tribus rusticæ* were accounted the more honourable. Moreover we must remember, that a man might be reputed of this or that tribe, although he had no place or habitation therein. Concerning the place where these *Tributa comitia* were had, sometime they fell out to be in the *Campus Martius*, sometimes in their great Hall of Justice, called *Comitium*, sometimes in the *Capitol*, many times in other places, according to the discretion of the Magistrate which caused these Assemblies.

b Sigon. de jure Rom. l. 1. c. 3.

CAP. 6.
De Candidatis.

IT shall not be impertinent to annex some necessary observations touching the *Roman* Petitors or Suitors for bearing office: where we will observe these three phrases, *Ambire magistratum*, *Inire magistratum*, and *Abire magistratu*. The first signifieth, to sue for an office: the second, to enter in the office: the third, to depart out of the office. Again, the difference of these phrases, *Confidere legitimis suffragia*, & *Explere suffragia*. *i* The first signifieth, to have so many voices as the law doth require. The second signifieth, to have more voices than any other Competitor, but not so many as the law requireth.

i Rosin. antiq. Rom. l. 10. c. 6.

These persons were termed *Candidati*, *à toga candida*, from the white gown which they did wear, as it appeareth

eth more at large, where we have ſpoken *de Romana toga*. That they might the eaſier procure the good-will of the people, theſe four things were expected from them, First, *Nomenclatio*, the ſaluting of every Citizen by his name; for the better diſcharge of which, they had a certain follower, which ſhould by way of prompting, tell every Citizen his name as he paſſed by, and hence this prompter was ſometimes called *a Nomenclator*, which word doth properly ſignifie a common cryer in a Court of Juſtice, ſuch as call men to their appearance, whence they had their names from *Nomen* and *calo*, an old Latine word to call, ſometimes *b Monitor*, ſometimes *Fartor ab infarciendo in aures*. 2. *Blanditia*, that is, a friendly compellation by the addition of ſome complemental name, as well-met friend, brother, father, *&c.* 3. *Aſſiduitas*, that is, an hot canvaſing, or ſoliciting men without intermiſſion. Laſtly, *Benignitas*, a bountiful or liberal largeſs or dole of money called *congiarium*, from the meaſure *Congius*, containing a Gallon; becauſe their *l* dole was at the firſt made of Oil or wine diſtributed in thoſe meaſures. Howbeit κατα χρησιν any dole gift or largeſs in money, or otherwiſe, is called *Congiarium*. The diſtributers of this dole were called *m diviſores*, *& n ſequeſtres*, although ſometimes *ſequeſter* ſignified a briber or corrupter of a Judge. Likewiſe their bounty or liberality conſiſted in providing great dinners, and exhibiting magnificent Shews unto the people, *&c.* Where we muſt obſerve, that as often as this largeſs is called *Largitio*, it is taken in the worſt ſenſe, namely for an unlawful bribing of the ſuffragers under a pretended largeſs, *o Benignitas liberalitatem magis ſignificat quàm largitionem.*

Roſin. ant. Rom. l. 7. c. 8.

a Cic. orat. pro L. Mur. Mercenarius ſervus qui dicitet comitia, &c. Hor. l. 1. ep. 6.

b Cic. loco ſupra citato.

l G. Trapez. in Phil. p. 2.

m Sig. de jur. l. 2. c. 29.

n Bart. Lat. in orat. pro M. Cœl.

o Cic. orat. pro L. Mur.

CAP. 7.

De Romanis veſtibus.

WE may obſerve in reading old Authors, that as well the *Romans* as the *Grecians*, had divers diſtinct

stinct habits, or outward vestiments. The Greeks had their Mantle called *Pallium*, the Romans had a Gown called *Toga*; and by this different kind of garment the one was so certainly distinguished from the other, that this word *Togatus* was often used to signifie a Roman. *Pallium Græcum, Toga pro Romano dicitur, ut Pallii pro Græcis.* Before we proceed, we will first observe what this *Toga* was, and then how many sorts there were. *Toga, a tegendo dicta est.* It was made commonly of wool, but, according to the worth and dignity of the person, sometimes of cotton, sometimes of silk, hath wool, as we may collect by that of *Horace*.

Mitte sub trabea, cum defendere frigus
Quæmpar vestis erat.

We must note with *Tovius*, that no woman of any credit did wear the *Roman* Gown, but instead thereof did use a garment called *Stola*, from ἵστημι, ingulfing, *dominæ quod usq; ad talos demittitur*. Whence did the Romans they would point out unto us an intemperate lewd Strumpet, they would term her *mulierem togatam*. This *Toga* sometimes was worn open and untucked, then was it called *Toga aperta*; other times it was tucked up, and then it was called *Toga succincta*. This girding or tucking up of the Gown, was according to *Rosinus*, three-fold; *Cinctura laxior*, *astricta*, and *Cincturæ genus*. *Cinctura laxior*, or the loose kind of girding was such, that notwithstanding the tuck, yet the tail trailed on the ground; *Cinctura astricta*, the close kind of girding was such, that after the Gown had been tucked up, it should not reach so far as the ancle. The first kind of these cinctures did argue a negligent, lazie and effeminate mind: the latter did signifie the promptness or readiness of the person. *Ut Virgo, dum se ad expeditiorem dilit sum, Cinctura Gabina*, was a peculiar kind of girding, not so that the whole Gown should be tucked up about the middle, but that the hinder part thereof, the party himself, and one part

of

f Sig. de jud. l 3. c. 19.

g Mic. Toxi. in orat. Phi. 2.

Mic. Toxi. ib.

i Rosin. ant. Rom.

k Sig. de jud l 3 c. 19.

l Sig. ib.

m Sig. ib.

of. *n* This kind of girding was so called from a certain City of *Campania*, called *Gabii*, because upon a time the inhabitants of this City being at sacrifice, were set upon by their enemies, at which time they casting their gowns behind them, and girding one lappet or skirt about them, went immediately to war, even from the altars, and got the conquest. *o* In memory of which ever after, the *Consul* when he should proclaim war, girded himself in like manner. Neither had the *Consul* alone a peculiar garment when he proclaimed war, but every souldier in time of war did wear a different kind of garment from the gown, which they called *Sagum*: we may English it a souldiers coat. Whence *Italy* useth this phrase, *ad Saga ire*, which *Erasmus* hath paralled with this, *Ad certamen se accingere*, to buckle for war. Insomuch that *Cedant Saga togæ*, is equivalent to that of the Orators, *Cedant arma togæ*. Touching the difference of the Roman Gowns, I find them distinguished by *p Sigonius* according as followeth; *in Togam Puram, Candidam, Pullam, Prætextam, Paludamentum, Pillam, Trabeam. Toga pura* was the common ordinary gown worn by new married women, and *Tanaquill primo tenuit vellam tunicam, quæ simul cum toga pura tyrones induuntur, nuptæ. Plin. l. 8. c. 48.* and by private men at mans estate, about the fourteenth year of their age, at which time they were said *Exuere se puerilibus*, that is to be past swiplings. Notwithstanding the fourteenth year was not alwayes strictly without exception observed: *q* for *M. Aurelius* was permitted to wear this gown being but fifteen years old: and *Caligula* did not wear it till the nineteenth year of his age. This kind of gown beside that it was called *Pura*, was also sometimes called *virilis*, sometimes *libera*. It was called *Pura* in respect of its pure white colour, being free from all admixtures of purple, or any other colour: and therefore Gowns have retained to this day all white, others however, void of purple. It was called *virilis*, because it was given to *striplings*, now growing to mans estate.

n Serv. Æneid. lib. 7.

o Aul. Gel. dier l. 1 c. 14.

p Sig. de jud. lib. 3. cap. 12.

q Rosin. ant. lib. 7. cap. 30.

Et toga non tactas vincere julia nives Mart.

Whence we uſe to ſay of a ſtripling paſt ſixteen years of age, *virilem togam ſumpſit*, he is now become a man. Laſtly, it was called *libera*, [r] becauſe then they did receive ſome beginnings of freedom, as being about that time freed from their ſchoolmaſters and overſeers. This kind of gown was not made open, but ſewed down to the bottom and alſo it was made without ſleeves, ſo that if at any time they had occaſion to uſe their arms, they would take up their gown and caſt it quite behind them, or upon their ſhoulder. But theſe ſtriplings could not for one whole years ſpace, caſt back their gowns in that manner for their liberty of their arms without the imputation of immodeſty, as appeareth by [t] *Cic. Nobis annus erat unus ad cohibendum brachium toga conſtitutus.* The like liberty it ſeemeth was denied thoſe that ſtood for places of office: [u] and thence it is, that *Horace* wiſheth ſuch to hire them a ſervant,

——*Levum*
Qui fodiat latus, & togæ tranſ ponderæ dextram.
Porrigere——.

In which place by *Ponderæ* is underſtood the Roman gown, as [x] *Sigonius* hath expounded that place. Now for the underſtanding of *Toga candida*, we are to learn a difference between this *candida toga*, and the *toga pura* above ſpoken of, which is ſometimes called *toga alba*, both of which were white, but differed in the degree of whiteneſs. The *toga alba* had only the natural whiteneſs of the wooll, the *toga candida* had an artificial white dye, whereby the gloſs of the white was made more orient and intenſive. Or elſe as [y] *Sigonius* hath obſerved out of *Iſidor. Intendendæ albedinis cauſa cretam addiderunt*, that is, they chalked it to increaſe the whiteneſs hereof. And hereunto *Perſius* alludeth

——*Quem dudum bisnum Cretata ambibit.*

Whence *Polybius* calleth it τογαν λευκην, that is, ſhining or ſplendent. Moreover, whereas the *alba toga* was the ordinary Roman gown, which commonly the Roman Citizens

r Roſin. ant. Rom. l. 5. c. 32.

Aldus Manut.

t Cic. in orat. pro Cœlio.

u Sig. de jud. l. 3. c. 19.

x Sigo. ib.

y Sigon. ib.

Citizens did wear, this *Candida toga* was only worn by those which did *Ambire Magistratum*, sue for a Magistracy or place of office, who during the time of their sute, were called from their gown, *Candidati*: and *Quintilian* borrowing his metaphor from them, hath called a young student *eloquentiæ candidatum*. The third sort of gown, which I termed *Togam pullam*, was a black gown, and thereof were two several kinds: the one cole-black, which was worn *luctus causa*, in token of mourning; and the mourners were thence called *Atrati*, and as often as they did wear this gown, they were said *Mutare vestem*, which phrase in old Authors, doth signifie nothing else but to go in mourning apparel: The other not cole-black, but only foul'd or stain'd, and that was worn *reorum causa*, in times of arraignment, and those that wore it, were called *Sordidati*, *à sordibus in veste*, from the spots or stains in the gown. Where we must note, that in process of time *Toga pulla* became the ordinary gown which the common people did wear, at which time the ordinary gown which the Citizens of better place and esteem did wear, was the *toga candida*; whereupon there did then grow a distinction of the Citizens, unknown to the former age, saith *Rosinus*, namely, that some were termed *candidati* others *pullati*: *Candidati* were those, not which became suters for places of office (as in old time it signified) but those which did live in better repute than others; from whence it is, that the whole office was to read the Emperors Letters in the Senate, was called *Candidatus principis*, or *Quæstor candidatus*. It did somewhat resemble the office of the King his Majesties chief Secretary. *Pullati* were those of the commonalty or inferiour sort. The fourth sort of gown was the *Toga prætexta*, so called *quia ei purpura prætexta erat*, because it was guarded about with purple silk. This kind of gown at first was used only by the *Roman* Priests, and chief Magistrates: Neither was it lawful for such as did wear that gown to be arraigned, or sentence to be given on them

z Sig. de jud. l. 3. c. 19. Cic. orat pro P. Sext.

Suum dolorem vestis mutata significabant Romani.

a Feneſt. de Mag. Ro. c. 3.

untill that gown was put off. In continuance of time this *toga pretexta* was permitted first to noble mens children, afterward to all *Roman* children in general: whereupon *b Togatus à pretexto differt ut privatus à Magistratu, & vir à puero*; and *atus pretexta* is taken for child-hood, and *pretextati* sometimes for Magistrates, but commonly for young children. The fifth sort of gown was called *Paludamentum*; it was a military garment, which none but the Lord General, or the chief Captains did use to wear. *c Isidorus* said it was not only guarded with purple, but with scarlet and gold lace: whence it was sometimes called *d Toga purpurea*, sometimes *coccinea*. It was much like the habit which the *Grecian* Emperours was wont to wear, called *e Chlamys*; yea now it is called *Chlamys*, we may English it an *Heralds* Coat of Arms. The sixth sort of gown was *Toga picta*, *f* because in it were imbroidred goodly pictures with needle-work: it was also called *Purpurea*, not because of any purple-guard (in which respect the *Pretexta*, and the *Paludamentum* were called *Purpurea*) but because it was all over of a Purple dye: it was by some termed *toga palmata*, because in it many Palm branches, being the reward and token of Victory were wrought, whence by others it was called *toga triumphalis*, because Emperours in their triumphs did wear such gowns. The last sort of gown was *Trabea*, whereof there were *b* three several kinds, the one woven all of purple, which was consecrated unto the Gods, the second was purple woven upon white, and this only Kings and Consuls might wear, the third was scarlet woven upon purple, and this the Augures only did wear. *i* This last sort was therefore called *Trabea auguralis*, the second *Trabea regia*, the third *Trabea consecrata*.

b Tet. Pellinatius in orat. pro A. Cæcin.

c Alex. gen. dier. l. 5. c. 18.

d Sig. de Jud. lib. 3. cap. 19.

e Sigon. lib.

f Rosin. antiq. lib. 5. cap. 31.

g Sig. de Jud. lib. 3. c. 19.

h Serv. Æneid. lib. 7.

i Alex. Gen. dier. l. 5. c. 18.

CAP. 8.

De Tunica.

THose Coats, which were worn under the gown, were called *Tunicæ*, and that they were worn under the Gown, appeareth by that adage, *Tunica palliô pejor est*, that is, every one for himself hath, or according to our English Proverb, Close sitteth my shirt, but closer sitteth my skin. *a* This *tunica* was both narrower and shorter than the gown: at first it was made without sleeves, afterward with sleeves: and by it as well as by the gown were Citizens distinguished. The first sort of Coats was made of white cloth commonly, *b* but purfled over and imbroidred with studs of purple in manner of broad nail heads; whence it was called *Latiſclavia*, or *Latus clavus*; and the persons wearing this Coat were Senators, called thence *Latiſclavii*. The second sort belonged unto the *Roman* Knights, and it differed in making from the first, only that the purple studs or imbroidred works of this, were not so broad as the former: whence the Coat was called *Angustiſclavia*, or *Angusti clavus*, and the persons wearing it were called *Angustiſclavii*. The third sort belonged unto the populary, or poorer sort of *Romans*: it was made without any purfled works, being called *Tunica recta*. This Coat was given together with the *virile* gown to striplings past fifteen years old, and to new married women. And as the *recta tunica* was given with the *virile* gown; so was the *tunica clavata* given together with the *toga prætexta*; and the *latiſclavia*, otherwise called *tunica palmata*, given with the *toga picta*. The fourth and last sort belonged unto women, being a long Coat reaching down unto the heels; they called it *Stolam*. Upon it they did wear an outward garment *m* called *pallium*, and sometimes *palla*, *quia palam gestabatur*. *n* Sigonius saith that this *palla* was a certain gown used by Stage-players: howsoever certain it is that not

a Sig. de jud. lib. 3. cap. 20.

b Salmuth in Pancirol. lib. rerum deperdit. c. de haul.

Vid. Turneb. adverſ. l. 1 c. 2.

m Roſin. ant. liq 5. cap. 35.

n Sig. de jud. li. 3. c. 19.

not only women, but men also and children did wear this kind of garment. Besides the *Roman* gown and coat, there remain other parts of their apparel to be spoken of: such are these which follow: *Lacerna*, which some do English a Cloke, but *Festus* would have it to be a little kind of hood, which men should wear to defend themselves from the rain and weather: it was made that either side might be worn outward: and at first it was worn only in war, so that *lacernati* stood in opposition with *togati*. *Isidorus togatos pro urbanis, lacernatos pro militibus usurpatos scribit.* Afterward, as we may conjecture, it was made longer, in manner of a cloke, for it was divers times worn upon their coats in stead of gowns. Another kind of garment was the *Penula*, so called *quasi pendula*, we may translate it a long hanging cloke. A third was called *Mitra*, which sometimes did signifie a certain attire for womens heads, as a coif, or such like: though this kind of attire was more properly called *Calantica*: othertimes it signified a girdle, which more properly was called *Zona*: this *Zona* chiefly signified a souldiers belt, or a marriage girdle. The souldiers belt was lined within in the inside, where when they went to war they did put their mony: whence *Horace* saith of a man that had lost his mony, *Zonam perdidit*: and ζωννυμι, to be girt, signifieth ἑτοιμάζω καὶ ἑαυτὸν, *Arma induere, Cel. Rhod. l. 22. c. 19.* haply because that part of the body which was girt, was consecrated to *Mars*, as the forehead was to every mans particular *Genius*, the arms to *Juno*, the breast to *Neptune*, the reins to *Venus*, the feet to *Mercury*, and the fingers to *Minerva*. *Alex. ab Alex. l. 2. c. 19.* Young maids when they were married were wont to have a marriage-girdle tied about their middle, which their husbands at the first night of their marriage should untie: whence *zonam solvere*, hath been translated to deflour a Virgin. This marriage girdle in former times was called *Cestus*, from whence cometh the Latine word *Incestus*, and the English word Incest: when in truth

Sig. ib. d.

Sig. ibid.

tuth ſignifieth all kind of pollution committed by undoing, or untying this Girdle, called *Ceſtus*: But now in a more ſtrict acceptation it ſignifieth only that kind of naughtineſs which is committed between two of near kind *q* and that other folly which is committed with a ſtrangers wife, is now properly called *Adulterium*, and that which is committed with a maid or widow *ſtuprum*. The laſt thing touching their apparel is their ſhoes *r Calceamentorum genera duo fuerunt, calceus, & ſolea.* For the ſoal of the ſhoe, called in Latine *ſolea*, ſometimes *crepidula*, and in *Cicero* his time *gallica*, was tied on to the bottom of the foot with leathern ſtraps or buckles, and ſo worn inſtead of ſhoes. The divers kinds of theſe ſhoes did diſtinguiſh the *Roman* people alſo. To omit the difference in colours, we may reduce the chief kinds to five heads, *Mulleï, Uncinati, Perones, Cothurni, Socci*, all theſe ſorts of ſhoes were made half way up the leg, as the Turkiſh ſhoes are, according to *Joſephus Scaliger*, and they were either laced cloſe to the leg, as many of our boots are now adaies; or claſped with taches, or haſps. The firſt ſort called *Mulleï, ſ* being like unto it in colour, were alſo called from their claſp *t calcei lunati*, becauſe the claſps were made in form of a half Moon, which half-mooned claſp reſembling a *Roman* C, ſignified a hundred, *u* intimating thereby that the number of the Senators (they only being permitted to wear that kind of ſhoe) were at firſt a full hundred and no more. Others are of opinion that they wore this mooned claſp, to put them in mind that the honour to which they had attained, was mutable and variable as the Moon. For they think that theſe *Lunati calcei* were not received as a token of Nobility onely at *Rome*, but in other places, to which purpoſe they interpret that of the Prophet *Eſai. cap. 3. In die illo auferet Dominus ornamentum calcearum & lunulas.* *Cæl. Rhodigin. ant. l. 20. c. 28. Uncinati calcei*, were thoſe, which the Souldiers were wont to wear. I take them to be the ſame with thoſe

q Cæl. in orat pro Milone.

r Roſin. ant. Rom. l. 5. c. 36.

ſ Salmut in Pancir. lib. rerum deperdit. cap. de Fibulis.

t Appoſitam nigræ lunæ ſubtexit alutæ. *Juv.*

u Salmut. in Panc. rol. ll. rerum deper. c. de Fibul.

those which they called *Caligæ*, from which kind of shoes *C. Cæsar Caligula* had his name, because he was born in the Army, *Quia natus in exercitu fuerat, soleamentum calceamenti militaris.* i.e.. *Caligula sortitus est. Aurel. Vict. Epit. de vita imperat.* *Perones* (as we may conjecture) were laced up the leg: for *Tertullian* making but two sorts of shoes, saith, These were the *Mullei*, called from their clasps *Lunati*, and these *Perones* made without such half-mooned clasps, called also *Calcei puri, quoniam ex puro corio facti*, and these *Perones*, or *puros calceos* all the other Romans did wear, [x] with this note of distinction, that the Magistrates shoes were beset with precious stones, private mens were not. Thus much concerning both the kinds and fashion of the shoes may be collected out of *Rosinus* in the place above quoted. The description and use of the *Cothurnus* and *Soccus*, may be seen in the Tract *De Romanis Ludis*.

x Salmuth. in Pancirol. lib. rerum deperdit. c. dehbula.

LIB. III. SECT. 2.

Of the Roman Magistrates.

CAP. I.

De Magistratibus Romanis.

WE being to treat of the *Roman* Magistrates, will first see what the definition of a Magistrate is. A Magistrate is he *o* who receiveth by publique authority, the charge and oversight of humane affairs belonging to the Common-wealth. These *Roman* Magistrates were either to be chosen only out of the better sort of *Romans*, called the *Patricii*, or else only out of the Commonalty. *p* The first were thence called *Magistratus patricii*, the second *Magistratus plebeii*. The *Patricii* had power to hinder the Assemblies of the people; namely, their *Comitia*, by observing signs and tokens from the heavens: howbeit some of them had greater power, others less; insomuch that some were called *Majores Magistratus, quoniam habebant majora auspicia, id est*, *q magis rata*. Others were called *minores magistratus, quoniam habebant minora auspicia*. Of these in their order.

o Sig. de jure Rom. l. 1. c. 20.

p Sig. de jure Prov. l. 3. c. 13.

q Feneſt. de Magiſt. Rom. c. 1.

CAP. 2.

De Rege & Tribuno Celerum.

IN the infancy of *Rome*, it was governed by a King unto *Tarquinius Superbus* his time, who by maintaining that shameful act of his Son towards *Lucretia*, did so incense the people, that they did not only for the present exile him, but decreed that their City should never after that be governed by a King. This King had absolute rule and government over the City. For the safety of his person he had three hundred chosen young men alwayes to be attendant about him, much like unto our Kings Majesties Guard here in *England*, or rather his *Pensioners*. They were called *r Celeres à celeritate*, from their readiness in assistance: sometimes they were called *Trossuli*, *f* because they alone without the help of any foot-men did take a certain City in *Etruria* called *Trossulum*. Otherwhiles they have been called *Flexumines*, whereof as yet there hath been no certain reason rendred. Each hundred of them had their several overseer called *Centurio*: and over them all there was one general overseer, and chief commander, whom they called *Præfectum vel Tribunum Celerum*, his place being next to the King. A second sort of attendants about the King were called *Lictores à ligando*, according to that, *Lictor Colliga manus*. They were by the *Grecians* called ῥαβδοῦχοι, which we may render Virgers, from ῥάβδος a Rod, and ἔχω, to have: though sometimes ῥαβδοῦχοι, do signifie the same as ῥαψῳδοί. The Rehearsers of *Homers* verses, or in general of any other *Poets*: παρὰ τὸ ῥάβδον ᾠδάς, from patching together other mens Poems. For the Reciters of *Homers* verses were wont to hold a Rod or Wand in their Hand during the time of Rehearsal. *Cæl. Rhod. l. c. 19.* They did somewhat resemble our Serjeants, there being in number twelve of them. Their office was to carry certain bundles of birchen-rods, with an axe wrapped up in the midst

r Plutarch in Romulo.

f Plin. l. 33. c. 2.

midst of them: the rods in *Latine* were called *Fasces*, the axe *Securis*. † The reason why they carried both axes and rods was to intimate the different punishment that belonged to notorious and petty malefactors. The reason why they were wrapped up together, was not only that they might thereby be more portable, but that the anger of the Magistrates might be somewhat allayed, whiles they were unbinding. Hence, because these *Fasces virgarum & securium*, did betoken honour and chiefdom in place and authority, by the figure *synecdoche*, this word hath been used to signifie honour and dignity, as *Fascibus suis abrogatis*, he being discharged of his magistracy or dignity. And *Fasces submittere* to give place, or yield unto. *Valerius Publicola* gave the occasion of the Proverb. He to insinuate himself into the hearts of the people, is said *Submittere fasces populo quoties prodiret in concionem*. Some interpret it, as if he were wont to command the Serjeants quite to depart out of the Assembly with their rods, which opinion *Plutarch* in *Publicola* confuteth writing thus: *αὐτὰς τὰ ῥάβδους εἰς ἐκκλησίαν πορευόμενος, ἔνιοτε τῷ δήμῳ καθίκλινε*, *Fasces ipsos in concionem progressus populo submisit inclinavitque*. So that the phrase signifieth properly, the not holding up of the rods, or rather the laying them down as it were at the feet of the people. *Cæl. Rhodig. l. 12. c. 7.*

† Joan. Camerarius in orat. pro Flacco. Immedicabile vulnus ense recidendum, &c.

CAP. 3.

De Senatu, & quis Princeps Senatus, & qui Senatores Pedarii?

TOuching the election of the *Senators*, the number of them, and the distinction of them into *Senatores majorum* and *Senatores minorum gentium*, sufficient hath been delivered in the second division of the *Roman* people; as likewise in the third division hath been shewn the habit or gown by which the *Senators* were distinguished from the *Roman* Gentlemen. Here therefore it shall be sufficient for us to understand, that every solemn meeting

ing, or consistory of these *Senators* was called *Senatus*. The foreman of them (which could be no other than such, as had been either *Consul* or *Censor*) was called *Princeps Senatus*, and his opinion was alwaies first asked. Now among those that had born those foresaid offices, it was in the *Censors* power to make whom he would fore-men. The decree of this consistory was called *Senatus-consultum*. And many times it is written with these two letters only, S. C. In like manner their preface to these decrees was commonly these two capital letters, B.F. That is *Bonum factum*. *Sueton. Jul. Cæs. c.* 80. and it had the same use as, *In nomine Dei* with us. The place where this consistory was had, they called *Senaculum*. None was *u* ordinarily admitted into the place of a *Senator*, before the five and twentieth year of his age: and of those that were admitted, some were allowed to ride unto the Senate-house in a Curule-chair, namely when they had born such office, which gave them right unto that chair: others which had not born such office went on foot: *x* whence these latter were called *Senatores pedarii*. They determined their acts which they called *Senatus-consulta*, sometimes by departing down their benches, and dividing themselves into sides. Those which did approve that which was proposed, sided with the party who did *Referre ad senatum*, that is, propose the matter unto the Senate; the others departed unto the contrary side, or if they came not down at all, but sate still on the benches, then did they signifie by holding up, or beckning with their hands, what side they would take. Now if the major part were easie to be discerned, then they rested there, tearming that act to be decreed *per discessionem*: and hence these and the like phrases have taken the irbeginning, *In illius sententiam iturus sum*, and *Manibus pedibusque discedere in alicujus sententiam*, that is, to be fully perswaded of ones opinion. Now if both companies were almost equal, so that the major part could not easily be discerned, then did they proceed to give their voices,

u Mart. Phileticus in Cic. l. 1. ep. fam. 1.

x Mart. Philiticus ibid. I. A. Gel. noct. Attic. l 3. c. 18.

y Hubert. in Cic. l. 1. ep. fam. 29.

ces, and that which was thus determined was said to be decreed, *per singulorum sententias exquisitas*, that is, by voices. Here we may observe that those, who were favourably heard in *Senate*, *His senatus dare dicebatur*; and z likewise they were said, *Stare in Senatu*: as on the contrary they were said *jacere*, whom the *Senate* neglected or rather condemned. *a Cum mihi stanti jacens minaretur*, saith *b Tully*. If any Senator were absent without a lawful excuse, then was he fined; and for the payment thereof, he did put in a pledge, which if he did not ransome, then did the common Treasurer *Cedere vel concidere pignora*, that is, strain or seize upon the pledges, making common sale thereof, in which sense those two phrases are used, namly, *capere pignora*, & *auferre pignora*, that is, to strain or seize upon a mans goods.

z Ascensius in Cic. l. 1. epist. fam. 4.
a Cic. orat de aruſp. reſpon.
b Roſin. antiq. l. 7. c. 7.

CAP. 4.
De Conſulibus.

AFter the expulsion of *Tarquinius Sup.* the last *Roman* King, all the Citizens in *Rome* Assembled, and concluded that the government of the City, which before was in the hand of one alone governor, called their King, should now be divided between two: c who at first (before there was any subordinate office as a *Pretorship*) the *Romans* called *Pretores*, *quod præirent populo*. Not long after they were called *Judices*, *à judicando*. In process of time they were known by no other name than *Consules*, *à consulendo populo*. *d* No Citizen, was ordinarily created *Consul* before the forty third year of his age. Neither might any be chosen without special dispensation, either in their absence out of *Rome*, *e* or in time of their triumph; which was the reason that *Julius Cæsar* was glad to forgo his triumph at that time when he was *Consul* with *Bibulus*. The signs or tokens of this *Consular* dignity were the twelve *Lictors* carrying their bundles of rods and axes *f* the first month before one *Consul*,

c Roſin. ant. Rom. l. 7. c. 9.
d Cic. orat. Phil. 5.
e Suet. Jul. Cæſ. c. 18.
f Alex. Gendier. l. 3. c. 3.

Consul, and the second before the other, as formerly they had done before the Kings. * Now he that had the rods carried before him in the first month, either he had more children than the other, for the *lex Julia* gave precedency to him who had most children, or he was elder than the other, or in time of the election he was pronounced before the other, for which respects he was called *Consul major*, and *Consul prior*. g The reason why each Consul had not twelve *Lictors* alwaies, was because the tyranny of the Consuls might then seem to be doubled, and to exceed the tyranny of the Kings. Another token was a certain Chair of Estate called *Sella eburnea*, that is, an Ivory chair, so called from the matter whereof it was made, and *b* because this chair was commonly carried about in a certain Coach or Chariot, wherein the Consul did ride, hence from *Currus* which signifieth a Chariot, it is also called *Sella Curulis*; where *i* note that the word *Curulis* is sometimes used substantively, and then it signifyeth some chief Magistracy or office among the *Romans*. The gown by which they were distinguished from other Magistrates or private men, was a certain purple gown, which from the great embroidered works was called *Trabea*, and he that did wear it, was thence called *Trabeatus*, according to that, *Trabeati cura Quirini*. It will be worth the observation to note, that the *Romans* did date their Deeds and Charters in old time, by nameing the year wherein their City was first founded; as to say, *Ab urbe condita*, the twentieth, thirtieth, or fortieth year, *&c.* But in process of time their manner of dating was by subscribing the names of their present Consuls, as to say, such a thing was determined, *L. Valerio, M. Horatio Consulibus*, such and such being Consuls: whence *Suetonius* speaking of *Julius Cæsar*, saith, he was appointed to be *Flamen Dialis, sequentibus Consulibus*, that is, the next year following. Yea, this was so common a date, that to know the age of their wines, they signed their vessels with the names of their Consuls, adding withall, that

* Cæl. Rhod. l. 12. c. 7.

g Fenest. de Mag. Rom.

b *. Gel. l. 3. c. 18.

i Stadius in Flor. l. 1. c. 5.

that they might know the goodness of their wine, the name of the countrey whence it came, according to that of *Juven. Sat.* 5.

——*Cujus patriam, titulumque senectus*
Delevit multa veteris fuligine testæ. Turn. adv. l. 1. c. 1.

Those alone how had born the office of a Consul, not every one that was capable thereof, were said to be *Viri consulares.* *k* At the first those who were created Consuls remained in their office the space of a whole year, being *designati ad consulatum* upon the twenty fourth of *Octob.* *l* *At consulatum non inierant ante Calendas Jan.* that is, the first of *January.* The reason of this chasme, or *interim* between their delignation unto their office, and their entry into it, was (as we may probably conjecture) that the Competitors might have some time to inquire *de Ambitu*, that is, whether there was no indirect and unlawful means used in their canvasing. In process of time, either by voluntary resignation, or depolition, or death, many Consuls have been chosen in the same year, and they were called *m Non ordinarii, & suffecti Consules.* At such times all their deeds were dated by the names of the two first Consuls which began the year: whence those two first, and likewise all those that continued in their office the whole year, were called *n Consules Honorarii*, and *Consules Ordinarii.*

k Trilinus in orat. Cic. pro Cælio.

l P Ramus in orat. Cat 1.

m F. Sylv. in Cic. orat. pro Mur.

n Rosin. ant. Rom. l 7. c 9.

CAP. 5.
De Censoribus.

THe Consuls finding themselves incumbred with so many busmesses of a different nature, did by consent of the Senate choose two peculiar Officers, called *o Censores a censendo*, because they tessed and valued every mans estate, registring their names, and placing them in a fit century. For it did concern the *Romans* to know the number, and likewise the wealth of the people, to the end they might be informed of their own strength, and

o Feneſt. de Mag. Rom. c. 17.

and so shape their course accordingly, either in undertaking wars, transplanting Colonies, or in making provision of victuals in time of peace. A second and main part of their office was in reforming manners, to which end they had power to enquire into every mans life. This part of their authority was noted out unto us by this phrase, being called *Virgula Censoria*. If any one had played the ill husband, and neglected his Farm, or left his vine untrimmed, the Censors took notice thereof. They did *Senatu & Tribu movere*, i. e. they did depose Senators and pull down men from a more honourable Tribe, to a less honourable. *Diminutio maxima* was the loss of ones Tribe, City and Freedom. These Censors were reputed of the best rank of Magistrates in *Rome*; they remained in their office an whole five years space ordinarily; I say ordinarily, because through the abuse of their place, the office had been made sometimes annual. ‖ That five years space the *Romans* did call *Lustrum*, because they did once in every five years revolution *Lustrare exercitum Romanum*, by sacrifice purge the Roman Army. Hence we say *duo lustra*, ten years, *tria lustra*, 15. years, &c. The performance of this *Lustration* belonged also unto the Censors; for after the Censors had performed the one part of their office, in registring the just valuation of every Citizens estate, ‡ they did lead a Sow, a Ram, and a Bull three times about the Army, and in the end sacrificed them to *Mars*; and thus to purge an Army, is, *condere lustrum*; though sometimes *condere lustrum* doth signifie, to muster an army. These sacrifices, as likewise all others of the like nature, that is, wherein there was a Sow, a Ram, and a Bull sacrificed, were named sometimes *u Suovetaurilia*, sometimes *Solitaurilia*, sometimes *x Taurilia*. Moreover it did belong unto these Censors to farm out the Tributes, Impositions, Tollage, &c. *y* At the five years end, the acts of both their Censors were registred upon books of record, which records were laid up in a certain religious house dedicated

to

r Feneſt. de Rom Mag. c. 7.

s Pomp. Lat. de Rom. Magiſt. c. de Cenſor.

‡ Pancirol. l. rerum depar. c. de cibi. capiendo modo.

u Alex. Gen. dier. l. 5. c. 27. *x* Pomp. Lat. pe mag Rom. c. de Cenſor. *y* Pancirol. l. rerum deperdit. c. de cibi capiendi modo.

to the *Nymphs*. Whence z *Cicero* speaking of *Clodius*, saith, *Qui adem Nymopharum incendit, ut memoriam publicam incensis tabulis publicis impressam aboleret.*

z Cic. pro Milone.

CAP. 6.
De Prætoribus.

THe Consuls by reason of their many troubles in war, having no time to administer justice unto the *Roman* people, did for the better help therein, create two new Officers for the executing of justice, the one to examine and judge of matters within the City, between Citizen and Citizen; the other to decide Controversies between forreigners. The first they a called *Prætorem urbanum*, and *Prætorem majorem*; the other *Prætorem peregrinum & Prætorem minorem*; we may English them Lord Chief Justice. Where we must note, that at the first there was only the *Prætor urbanus*, until the cases and suits in law became so many, that one was not sufficient to hear them all, b yea at last the number of the *Prætors* came to 16. namely, when those two were added for the providing of corn and grain; whence they were called *Prætores Cereales*; c nay there were at last 18. *Prætors*, there being two others added to judge of controversies touching feoffments of trust, called thence *Prætores fidei commissarii*. d *Causarum duo genera sunt, aliæ privatæ, aliæ publicæ; hæ criminosæ, illæ civiles appellant.* In those cases which were private, that is, e touching equity and uprightness of any act, or the restitution of any money or goods unlawfully detained from the right owner, it belonged principally unto the f two first *Prætors* to judge; g but under them unto the *Centum-viri*, who oftentimes are called by *Tully*, *Recuperatores*, and *Judices hastæ*; the Court, *Hastæ centum-viralis*, because one of the marks and special ensigns was a spear erected up in the place the Court was kept. Those cases which were publick or criminal, as Treason, Murther, Buying of voices in the canvasing

a Pighius æquip. comp.

b Alex. Gen. dier l. 2. c. 15.

c Feneſt. de Mag. Rom. c. 19.

d F. Syvl. in orat. pro Mur.

e I Saxon. in Cic. orat. pro S. Roſc.

f Rolin. ant. l. 7. c. 11.

g Saxonius ib.

canvasing of Offices, &c. were called also *causæ capitales* and *capitis dimicatio*, that is, *b* such cases wherein if the party accused had been found guilty, he was *capite damnatus*; by which phrase we must not understand alwaies *Ultimum supplicium, sed aliquando exilium, quo scilicet caput*, that is, *Civis eximitur à civitate*. *i* These cases at the first were heard by the Kings and Consuls; afterward by certain appointed thereunto by the people, being called from their inquisition *quæsitores parricidii*. In continuance of time the examination and hearing of these publick cases was turned over unto certain Magistrates, who because they were to continue their office a full and entire year (whereas the others had their authority no longer than they sate in Judgement) were thence for distinction sake called *Prætores Quæsitores*, and the cases were termed *Quæstiones perpetuæ*: *k* because in these cases there was one set-form of giving judgement perpetually to remain; whereas in those private or civil causes the *Prætor* did commonly every year change the form of giving judgement by hanging up new edicts. *l* Here we must note, that these *Quæsitores parricidarum*, otherwise called *Prætores Quæsitores*, had not the examination of all publick cases, but sometimes upon extraordinary occasions either the Consuls, the Senate, or the people themselves would give judgement. Now as those former *Prætors* had a spear erected up, whereby their Court for private causes was known; so had these *Quæsitores* a sword hanged out in token of their Court. *m* *Prætorum insignia duo fuere, hasta & gladius; illa ad jurisdictionem, hic ad quæstionem significandam.* The officers which did attend these *Prætors* were *Scribæ*, i. e. certain Notaries much resembling the Clerks of our Assises, their office being to write according as the *Prætors* or chief Justices had bid them, taking their name *à scribendo*. The second sort were called *Accensi ab accieudo*, from summoning, because they were to summon men to their appearance. They much resembled our Bayliffs errant. The third sort were *Li-*

Clores.

b F. Sylv. in orat. pro Mur.

i Rosin. ant. l. 9. c. 18.

k Rosin. ant. l. 7. c. 11.

l Rosin. ant. l. 6. c. 18.

m Sig. de jud. l. 1. c. 7.

Elores; of which before. *n* The authority of the Urbane *Prætor* was so increased in time, yea his honour was such, that whatsoever he commanded, it had the name of *Jus honorarium*. *o* Others are of opinion, that only the *Prætors* edict was that *Jus honorarium*, *p* the *Prætor Urbanus* being wont at the entrance into his office, to collect a set form of administration of Justice out of the former laws, and several edicts of former *Prætors*, according unto which he would administer Justice all the year following: and lest the people might be ignorant of the Contents thereof, he caused it to be hanged up to the publique view. This form of Justice was termed *Edictum ab edicendo*, i. e. *q imperando*; because thereby he did command, or forbid something to be done. Whence *Pellitarius* in the place now quoted, doth translate *Consulum edicta*, Mandatory letters, that it might be distinguished from other Magistrates edicts. It was commonly called *Prætoris edictum*. And as *Pighius* observeth in the place above quoted, it was called *Edictum perpetuum*, not absolutely because the vertue thereof was perpetual, (for that expired together with the *Prætors* office, and therefore *r Tully* calleth it *Legem annuam*) but in respect of other edicts made in the middle of the year upon extraordinary and unexpected occasions, which latter sort of edicts *s Tully* calleth *Peculiaria & nova edicta*. Afterword, *t Salvius Julianus* collected an Edict out of all the old Edicts of the former *Prætors*, wherein almost all the whole Civil Law was contained, and this was called properly *Edictum perpetuum*, because that all the *Prætors* ever after did administer Justice according to that Edict, by the appointment of *Hadrianus* being then Emperor. The Edict being given out, the administration of Justice consisted in the use of one of those three words, *Do*, *Dico*, & *Addico*, i. e. *u Dat actionem*, *Dicit jus*, *Addicit tam res quam homines*. That is, he is said *Dare*, when he granteth out an action or writ against a man; *Dicere*, when he passeth judgement on him; and *Addicere*, when he is

n Feneſt. de Rom. Mag. cap. 19.

o P. Pellat. in Cic. orat. pro A Cœcin. a

p Pigh. Æq. pet. com.

q Pellit. in Cic. orat. pro A. Cœcinna.

r Cic. in Ver.

s Cic. in Ver 5.

t Sig. de jud. lib. 1. c. 6.

u I. Cameran. in Cic. orat. p. o Flacco.

the Court doth see and allow the delivery of the thing or the person on which judgement is passed. The Form of Addiction was thus: After judgement had been pronounced in the Court, the party which prevailed, laid his hand on the thing or the person, against which sentence was pronounced, using this form of words, *Hunc ego hominem, sive hanc rem, ex jure Quiritium meam esse dico.* Then immediately did the L. chief Justice *Addicere*, that is, approve the challenge, and grant a present possession. *Ant. in Fast. l.* 1 For explanation whereof we must know, that this word *Addico*, is sometimes *verbum Augurale*, sometime *Forense*, sometimes a term of Art belonging unto the discipline of the *Augures*, and so the birds are said *Addicere*, when they shew some good and lucky token, that the matter consulted about his approved by the Gods: the opposite hereunto is *Addicere*. Sometimes this verb *Addico* is a term of Law, signifying as much as to deliver up into ones hands, or into ones possession: whence we do not only call those goods that are delivered by the *Prætor* unto the right owner *bona addicta*, but those debtors also which are delivered up by the *Prætor* unto their creditors to work out their debt, are termed *servi addicti*. Yea moreover, because in all port-sales is was necessary that the *Prætor* should *Addicere bona*, deliver up the goods sold, hence doth this word often signifie to sell, as *Addicere sanguinem alicujus*, to take mony to kill a man, to sell a mans life. Touching the reason of their name, they were called *Prætores à præeundo, quoniam jure præibant.* And y those alone were properly termed *viri Prætorii* which had born this office, not they which were capable thereof. In the same sense we say *Viri Consulti*, and *Viri Ædilitii*, &c.

x M. Tullius in orat. pro Pub. Quint.

y Fr. Maturantius in Philip. 13.

CAP.

CAP. 7.

De Imperatoribus, Cæsaribus, sive Augustis.

WHen C. Julius Cæsar had overcome Pompey his Sons in Spain, at his return to Rome, the Senate welcomed him with new invented Titles of singular honour, styling him *Pater Patriæ*, *Consul in decennium*, *Dictator in perpetuum*, *Sacrosanctus*, and *Imperator*; all which titles were afterward conferred upon *Octavius Cæsar*; and all the Emperors succeeding him desired to be called *Imperatores & Cæsares* from him. Where we must understand, that this name *Imperator* was not altogether unknown before; for by that name the Roman Souldiers were wont (even at that time) to salute their Lord General after some special conquest. These Roman Emperors were afterward called also *Augusti* from *Octavius Cæsar*, whom when the Senate studied to honour with some noble Title, some were of the mind that he should be called *Romulus*, because he was in a manner a second founder of the City; but it was at length decreed by the advice of *Munatius Plancus*, that he should be styled by the name of *Augustus*, which we may English *Sovereign*: And they counted this name of more reverence and majesty than that former name of *Romulus*, because all consecrated and hallowed places were called *Loca Augusta*. The authority of these Emperors was very great, even as great as the Kings in former times.

z Str. Æn. l. 6.

CAP. 8.

De Principibus juventutis, Cæsaribus, & Nobilissimis Cæsaribus.

A Custom *a* was received among the *Roman* Emperors in their life time, to nominate him whom they would have to succeed them in their Empire; and him they called *Princeps juventutis*, *Cæsar*, *& Nobilissimus Cæsar*.

a Rosin. ant. l. 7. c. 13.

Cæsar. The like custom was practised by *Charles* the fifth Emperor of *Germany*, and so hath been continued by his Successors, namely, that one should be chosen whom they called *Rex Romanorum*, who should be so far invested in the Title to the Empire by the means of the present Emperor, that upon the death, resignation, or deposition of the then being Emperor, he immediately should succeed.

CAP. 9.

De Præfecto Urbis.

Romulus for the better Government of the City appointed a certain Officer called *Urbis Præfectus*, to have the hearing of all matter or causes between the Master and the Servant, between Orphans and their Overseers, between the Buyer and the Seller, &c. Afterward in time of the *Roman* Emperors, this *Urbis Præfectus* did assume unto himself such authority, that he would examine and have the hearing of all Causes of what nature soever, if they were *Intra centesimum lapidem*, within an hundred miles of *Rome*; (for *b Lapis* in old time signified a mile, because at every miles end a great stone in manner of a mark stone was erected.) In the absence of the King or Consuls, he had all authority which belonged unto them resigned unto him. I am not ignorant, and that some do make this latter kind of Præfecture, or Lieutenantship, a different Office from the former, but I should rather think them to be one and the same, only his authority to be more enlarged in the Kings absence: and of this opinion do I find *Fenestella*, *Alexand. Neapl.* and *c Sigonius*.

b Despauterius in sua syntaxi.

c Sig. de jur. Rom. l. 1. c. 20.

CAP.

CAP. 10.

De Decem-viris, & legibus scribendis.

FOr the better administration of Justice, the *a Romans* appointed three men, namely, *Sp. Posthumius, Ser. Sulpitius, A. Manlius*, to go to *Athens*, and other Grecian Cities there to peruse the Grecian Laws; to the intent that at their return, both a supply might be made of those Laws that were wanting in *Rome*, and the other that were faulty might thereby be rectified and amended. At the return of those three men, the Consuls were deposed, and both their Authority and Ensigns give unto *f* ten men newly elected for the Government of the State, and were thence called *Decemviri*. The first elected into this *Decem-virat*, were *Ap. Claudius, T. Genutius, P. Sextus, Sp. Veturius, C. Julius, A. Manlius, Ser. Sulpitius, P. Curiatius, T. Romul. Sp. Posthumius*, all of them such as had born the Office of a Consul. The Laws which they brought from *Athens* were written at first in ten Tables of Brass: afterwards two other Tables were added, at which times those laws began to be known and distinguished from others by the name of *Leges 12. Tabularum*. And according to those Laws Justice ever after was administred to the *Roman* people, at first by these ten men appointed thereunto, whose authority was as large even as the Kings and Consuls in old time, only it was annual. One of them only had the Ensigns of honour carried before him, one alone had the authority of convocating the Senate, confirming these Decrees, and the discharge of all State-businesses; *g* the other did little differ from private men in their habit, only when the first had ruled a set time, the others succeeded by turns. This kind of Government did not continue long in *Rome*; for in the third year all their power was abrogated, because of their Tyranny and Oppression used by them towards the *Roman* people.

a Fenest. de Mag. Rom. c. 14. Rosin. ant. l. 7. c. 9.

f Lip. Reg. Leg.

g Rosin. ant. Rom. l. 7. c. 19.

CAP.

CAP. 10.

De Interregis creatione.

f Dion. Haic. l. 2.

AFter the death of *Romulus*, f the Senators divided themselves into several Companies, called *Decuriæ*, committing the Government of the Kingdom to that *Decury*, that is, to those ten men, upon whom the lot fell, calling them the *Interreges*. Where we must know, that these ten did not rule altogether, but each man ruled for ths space of five daies, whence g *Rosinus* calleth his Magistracy, *Magistratum quinquenalem*. After that five daies Government had passed through the first, then did they go to lots to have a second *Decury* chosen, and so a third, &c. This office of an *Interrex* remained even in the Consuls time, so that if by some extraordinary occasion the Consuls could not be created, h then they chose one, to whom alone they committed the whole Government of the Kingdom, and him they called *Interregem*.

g Rosin. ant. l. 6. c. 16.

h Alex. Genealer. l. 5. c. 6.

CAP. 11.

De Dictatore.

WHensoever the *Romans* found themselves encumbred with dangerous Wars, or any other eminent dangers, they presently chose a *Dictator*, to whom alone was committed the Authority and Rule of the whole Kingdom, differing from a King only in respect of his name, and the continuance of his Office. Touching his name he was so called, *quoniam dictus erat populus*. His Office continued but six months, and at the expiration thereof, if need required, he was chosen again for another six months. He was also called i *Populi Magister*, inasmuch as none could make their appeal from him unto the people. Assoon as he once was established in his office, he chose a subordinate Officer,

i Pighius in Tyran.

ficer whom he called *k Equitum Magister*: his authority much resembled his, whom they called *Urbis Praefectum*: for as the *Praefectus Urbis* in the absence of the King, so this *Magister equitum* in absence of the *Dictator* had full and uncontrolable authority of doing what he would. k Sadius in Flor. l. 1. c. 13.

CAP. 23.

De Tribunis militum.

THese *l* military *Tribunes* were of two sorts. The one had all power and authority, which belonged unto the *Consuls*; and thence were called *Tribuni militum consulari potestate*. The occasion of them was this: The protectors of the commons called *Tribuni plebis*, did earnestly labour that the commonalty might be made as capable of the consular dignity as the Nobility: This was followed so hot, that in the end, though the Nobility would not grant them way unto that dignity under the name of *Consuls*; yet in effect they would grant it them. Namely the *Consuls* should be deposed, and in their stead other Magistrates should be chosen, part out of the Nobility, part out of the commonalty, who though they were not called *Consuls*, but *Tribuni*, yet were they of *Consular* authority: by which they were distinguished from the other sort of Military *Tribunes*, who had power and authority only in matters military, and were known by the name of *Tribuni militum*, without any addition. *n* Sometimes there was one of these three words prefixed, *Rutili* or *Rufuli*, *Sulpitii* and *caninii*; not thereby to intimate unto us any distinction of office or place, but to signifie their manner of election. For if they were chosen by the *Consuls*, then were they called *Tribuni Rutili*, or *Rufuli*, because they had their authority confirmed unto them by vertue of an Act or Law preferred by *Rutilius Rufus*, when he was *Consul*. If they were chosen by the Souldiers themselves in their Camp, then were they called *Tribuni suffecti*, that is, *Tribunes* substituted or put l Rosin. ant. l. 7. c. 20. n Alex. Gen. dier. l. 6. c. 18.

in the place of another. Whence we may conjecture, that the Souldiers were not permitted to make any election, but in time of need, when their former *Tribunes* were taken from them by some violent or unnatural death. The last sort called *Comitiati*, were so called because they were chosen by the *Roman* Assemblies, called in Latine *Comitia*. They were termed *Tribuni*, because at the first institution of them (whether we understand the Consular *Tribunes*, or this latter sort) there were but three of each. In process of time notwithstanding I find the number not only of those *Consular Tribunes*, *o* but of those other also to have been encreased to six, accordingly as the thousands in a legion were multiplied. These latter sort of *Tribunes*, in respect of their Military Discipline, which was to see the Souldiers being faulty to be punished, we may English *Knights Martial*: In respect that their authority was over foot-men only, we may English them *Serjeants Major*: only this difference there was, to every thousand of foot-men in any Legion, there were as many Military *Tribunes* under their chief Commander called *Imperator*. But in our English Armies there is but one *Serjeant Major*, who alone under the Lord General hath Command over all the Foot-men, be there never so many thousands.

o Rosin. Ant. l. 7. c. 20.

CAP. 14.

De Triumviris Reipub. constituendæ.

THis tyranny of the *Triumvirate* began by a conspiration between *Augustus Cæsar*, *Antonius*, and *Lepidus*. For these three under the pretence of revenging *Julius Cæsar* his death, obtained chief power and authority for the space of five years throughout *Rome*, *p* pretending that they would settle the Commonwealth, which at that time by reason of *Julius Cæsars* death was much out of order. Those five years being expired, they refused to resign their authority, exercising exceeding cruel-

p Fenest. de mag. Rom. c. 21.

ty.

ty towards all the Romans of what degree soever. q This kind of government remained but ten years, neither ever were there any other than those three above named. They had power to enact any New Law, to reverse any former Act, without the consent of the Senate, or Comitia. They might proscribe and banish any Roman at their pleasure, and as often as we read de Triumviratu simply without any adjunction, or de Triumviratu Senatus legendi, we are to understand it of this, though some upon unsure grounds do dis-joyn them.

q Suet. Oct. Aug. c. 27.

CAP. 15.

De Quæstoribus ærarii.

THis Office of the Quæstors seemeth not unlike to a publique Treasurers, which collecteth the subsidies, customs, money, yearly revenues, and all other payments belonging to any State or Corporation. And hence r quoniam publica pecunia quærendæ præpositi erant, they took their name Quæstors. Sometimes they are called Quæstores Urbani, to distinguish them from the Provincial Quæstors, which bare office in the Roman Provinces: sometimes they are called Quæstores ærarii, to distinguish them from those that were called Quæstores parricidii, or rerum capitalium, of which you may see more in the tract de Praetoribus. s Lastly, they were called Quæstores ærarii, to distinguish them from the Tribuni ærarii, i.e. those Martial Treasurers, or Clerks of the Band which did receive the Souldiers pay from these City-treasurers, and so pay it unto the Souldiers. The office of those City-treasurers (then being at full time two) was to receive all the City-accounts; to disburse at all occasions of publique expences; to take an oath of him that the Souldiers had elected by the name of Imperator, that he had well mounted the Stage-book of the number of enemies slain; to also

r Fenest. de Mag. Rom. c. 3.

s Sig. de jure Rom. l. 1. c. 8.

of that number of Citizens lost, otherwise he might barr the Emperor of his triumph. Moreover whatsoever spoils were taken in War, they were delivered up unto those *City-questors*, and they selling them, laid up the money in the great Treasure-house called *Ærarium*.

C. A. P. 16.

De Tribunis Plebis.

a Rosin. Epit. rerum. Rom.

THe *Roman* commonalty finding themselves oppressed by the wealthier sort, departed unto the *Aventine* mount, threatning the *Roman* Nobility, that they would forsake the City, and never again adventure themselves in War for the defence thereof, unless they did find some release and easement, from those excessive payments of use and interest unto their Creditours: yea, besides the remission of their present debts, before they would return unto the City again, they would have certain Magistrates chosen, which should be *a Sacrosancti*, that is, such as might not be hurt or violently used, not so much as in words: and if any had violated that Law whereby they were made *Sacro-sancti*, then was he accounted *homo sacer*, that is, an excommunicate person, or such an one whose soul should be vowed unto some God, insomuch that if any after had killed him, he should not be liable unto judgement. *Quia non in illius animo dirus sanctus humani commercii nec fas.* To those Magistrates the protection of the Commons was committed, who because they were at first chosen out of the *Patritij Tribunes*, therefore did they always rest in the name of *Tribunes*, being so called, that they might be distinguished from the others, *Tribuni plebis*, Protectors of the Commons. At the first institution of them they were in number but two, as some have thought; Others (by Dye, afterwards (as it is yielded by all writers) they increased unto ten. Their authority was first confined chiefly in this, that they had power to hinder any proceedings

a Rosin. ant. l. 7. c. 25.

x Alex. Gen. dier. l. 6. c. 14. y Rosin. ant. l. 7. c. 25.

z Plutarch. in his Tiranni-sing.

a Pomp. Lætus.

ceedings in the *Senate*, which they thought might prove prejudicial unto the Commons, so that they had not authority to enact any new Decrees, as afterward by abusing their authority they did. *b Sed eorum auctoritas magis in rescindendo, quam jubendo.* And hence was it that in old time these Protectors of the Commons were not permitted to come into the *Senate*, but *c* they sate without at the door, whither whatsoever was determined within the *Senate* was sent unto them, to be perused by them, and if they did approve it, then did they subscribe a great roman T, being the first letter of this word *Tribuni*. *d* The houses of these *Tribuni* stood open night and day, as a common refuge or place of succour for all that would come; *e* neither was it lawful for them to be absent out of the Town one whole day throughout the year.

b Scalig. in Fest. l. 3. c. 2.

c Pigh. in suo Tirannising.

d Rosin. ant. Rom. l. 7. c. 23.

e Pigh. in suo Tyrannising.

CAP. 11.

De Ædilibus, and Præfecto annonæ.

WE may read of three sorts of *Roman* Magistrates called *Ædiles*, the two first had their names *ab ædibus curandis*, having in their charge to repair both Temples and private dwelling-houses which belonged unto the City. The first sort were called *Ædiles curules*, *a sella curuli*, from the Chair of State, wherein it was permitted them to ride, and these were chosen out of the *Senators*. The second sort were called *Ædiles Plebis*, and they were added unto the former, at the earnest suit of the Commons, they being to be chosen out of them. Where we must note that they were not so added, that both sorts should rule at one and the self-same time; but that the *Curules* should rule the one year, and the *Plebei* the other. To these *Ædiles* it did belong, besides the reparation of Temples and private houses, to look unto the weights and measures in common sale; for they had power to examine *falsum* and adulterate

a Rosin. ant. l. 7. c. 23.

f Philip. in l. 2. Cic. ad fam. ep. 10.

g Alex. Gen. dier. l. 2. c. 21.

that

that is, such Actions, by vertue of which he that had sold any corrupt or sophisticated wares, was constrained to take them again. Moreover they had the charge of the publique Conduit or water-conveyances, of provision for solemn playes, &c. Of the third sort there were also two, who were in a manner Clerks of the Market: *b* for unto them belonged the looking unto the victuals sold in the Market, and corn. Whence they were called by them *Ædiles Cereales*, and *i* by the Greeks ἀγορανόμοι. This office, for ought that can be collected out of those that treat of it, differeth but little from his, whom the Romans called *Annonæ præfectum*; only this, the *Ædiles Cereales* were *Magistratus ordinarii*, the *Præfectus extraordinarius*, namely, *k* such as was chosen only in time of extraordinary dearths: he having for that time larger authority than those ordinary Clerks of the Market. For as it appeareth by *Rosinus* in the place now quoted, this *Præfectus* had power of himself to examine all such cases or questions as should arise touching the dearth: as suppose the hoarding of corn, fore-stalling the Market, &c.

b Alex. Ger. ibid.

i Pighius in suo Tyran.

k Rosin. ant. l. 7. c. 38.

CAP. 18.

De Triumviris.

BEside that *Triumviratus Reip. constituendæ*, of which we spake before, there were divers kinds of *Triumviratus*, namely, *Triumviri Capitales*, three high Sheriffs, who had the charge of Prisons, and were to see malefactors punished. For which purpose eight *Lictors* did attend them. There was also *l Triumviri Minarii*, three men, we may term them Bankers, who had authority to pay out of the common Treasury poor mens debts. Sometimes there were appointed five to this office, whence they were also called *m Quinque viri Mensarii*, both being called *Mensarii* from *Mensa*, a Table whereon they told their money. Another sort of *Triumviri* there were appointed to press Souldiers, whence they

l Alex. Gen. dier. l. 3. c. 16.

m I. Camer. in orat. Cic. pro Flacco.

were

were called *Triumviri e quirendi juvenes idoneos ad arma ferenda.* We read also of certain *Triumviri*, which were elected as chief Captains to guide and conduct the people in transplanting Colonies, and thence were they named *Triumviri coloniæ deducendæ*; but sometimes for this purpose they elected seven, ten, or twenty, and so named them *Quinq; viri, Septim viri, Decem viri, & Viginti viri Coloniæ deducendæ.* Three other sorts of *Triumviri* remain, which were officers of small account, as the *Triumviri monetales*, three Masters of the Mint, who thence were called *Triumviri A. A. Æ. F. F.* that is, *Auro, Argento, Ære, Flando, Feriundo*, for they had the charge of coining the money. 2. *Triumviri valetudinis*, three Pest-men, which were to oversee those that lay infected with any contagious sickness. Thirdly *n Triumviri nocturni*, three Bell-men, which were to walk the Town at night, and to give notice of fire.

n Alex. Gen. dier. l. 3. c. 16.

CAP. 19.

De Præfectis Ærarii.

Augustus Cæsar desiring for the better safety of the City to maintain many bands of Souldiers, which should alwaies be in readiness for the defence of the City, desired of the City a yearly subsidy for the maintenance of those Souldiers: but being denyed it, he built a certain Treasure-house which he called *Ærarium militare*, whereinto he cast his mony for himself and *Tiberius*, and promised to do so every year. Afterward when he saw the Treasury not to be inriched enough, either by that money which himself bestowed, or by the contributions of others, he appointed that the twentieth part of all inheritances and legacies (except it were to the next of the kin, or to the poor) should fall unto this Treasury. For the charge and custody hereof he appointed three of those Souldiers which alwaies attended about him for the safeguard of his person, calling them *Præfectos Ærarii.*

CAP.

CAP. 20.

De Præfecto Prætorio.

ALL Captains and Governours to whom the Rule of any Army belonged, were in ancient time called [o] *Prætores*: This word *Prætor* signifying then three chief Officers among the *Romans*; first a Consul, secondly a L. chief Justice, thirdly a L. General in War; all of them being called [p] *Prætores, quasi Præitores, quoniam ire & exercitui præibant.* Answerable to which threefold acception, this word *Prætorium* hath three several significations, sometimes it signifieth a Princes palace or Manor-house, sometimes a great hall or place where Judgment was wont to be given, and lastly, the L. Generals his pavilion in the Camp; [q] from which last signification it is, that those Souldiers that gave attendance about that pavilion for the guard of their Captains person, are sometimes called *Milites Prætorii*, sometimes *Cohors Prætoria*. [r] And he to whom the oversight of the Souldiers was committed, was thence called *Prætorii præfectus.*

[o] Pancir. in notit. imper. orient. c. 5.

[p] Pighius in Æ. super. compos.

[q] Asconius in Verr. a.

[r] Fr. Sylv. in Catil. 2.

CAP. 21.

De Advocato fisci.

FOr the right understanding of this office, we must first note a difference between these two words *Ærarium* and *Fiscus*: *Ærarium* was a common Treasury belonging unto an whole State or Corporation; whence all publick and common expences were to be supplied. *Fiscus* was the Kings or Emperors private coffers, it may be Englished the *Kings Exchequer*. The keeper thereof was called *Advocatus Fisci*. There are many other petty officers within the City, which I have purposely omitted, because there is but seldom mention of them in old Authors; and as often as they are mentioned, their names do explain their office.

CAP.

CAP. 22.

De præcipuis Magistratibus provincialibus.

OVer the Provinces at first ruled certain Magistrates sent from *Rome*, by Commission from the *Roman* Senate, called *Prætores*, whose office was to administer Justice unto the Provincial inhabitants, yea, and if occasion served, to make war also upon their enemy: and this was the reason that the number of the Prætors did so increase always, namely, according as the number of Provinces did encrease. The wars & tumults in the Provinces sometimes were so great, that the Prætor was not sufficient both to manage war and execute Justice: whereupon the Senate thought fit to send another Magistrate into the Provinces, whom they called a Consul, because properly the managing of war belonged unto the Consul: so that there were in all two ordinary Provincial Magistrates, a Consul to manage war, & a Prætor or Lord Chief Justice to sit in judgement. And if these two by a second grant from the Senate, did continue in their office above the space of a year, then were they called *Proconsules & Propretores*. But in process of time this custom was altered: for then none could be Proconsuls, but those alone who had been Consuls in *Rome*: neither could any be Propretors, which had not been Prætors at *Rome*. Their manner being, that the next year after the expiration of their offices in *Rome*, they should depart into some certain Province, to bear the same offices again, being not called *Consules* or *Prætores* as before, but *Proconsules* and *Propretores*: and for this cause always so soon as the Consuls had been created, the Senate did appoint certain Provinces for the Consuls, which being appointed, the Consuls did either agree between themselves, who should go to the one, who to the other, and that was termed *Sortiri provincias*, or else they did decide the matter by lot, and that was termed *Jactus sortium*.

{ Aul. Gel. dict. l. 5. c. 3.

tias: howbeit, sometimes the Senate did interpose their authority, and dispose the same. Under the Emperours the Governours of some Provinces were appointed by the Senate and the people, and those were called *Proconsules*, and the Provinces, *t Provinciæ Consulares*. others were appointed by the Emperors, and they were called *Prætores*, and the Provinces *Prætoriæ Provinciæ*. For all this which hath been noted touching the Provincial Magistrates, it is almost *verbatim* translated out of *u Rosinus*. To which we add this, namely, that every Proconsul and Propræctor did usually chuse a Lieutenant, such a one as should be assistant unto him in matters of Government, whom they called *Legatum*, so that this word *x Legatus* signified three several Magistrates among the *Romans*: two whereof may be proved out of *y Sigonius*: first, that it signifieth such a Lieutenant, or Lord Deputy under a Proconsul, or Propræctor in a Province. 2. That it signified such a one as is imployed in the delivery of a Message or Embassage from one Prince or State to another: we commonly call them Embassadors. Lastly, it signifieth a Lieutenant or chief Captain in war, whose place was next under the Lord General. His Office at the first institution, was not so much to rule or command, as to assist the Lord General in counsel; whence *Polybius* commonly joyneth these two together πραίτωρας καὶ συμβούλους that is, *Legatos & Consiliarios*, that the latter word might expound the former, *Lipsius de mil. Rom. l. 2. dial. 11.* Moreover, every Proconsul and Propractor had with them certain Treasurers, called *Quæstores provinciales*. These Provincial Treasurers *a were chosen by the *Roman* people commonly, namely, such a number as the number of Provinces did require. After the election, they between themselves did cast lots who should go unto the one, who unto the other Provinces: *b* sometimes extraordinarily by vertue of special act or decree, this or that special man hath obtain'd this or that Province without any lottery. By the way we must

t Camer. pro L. Flacco.

u Rosin. ant. l. 10. c. 24.

x Pomp Læt. de Mag. Rom.

y Sig. de jur. prov. l. 2 c. 2.

a Sig. de jur. prov. l. 2. c. 3.

b Sig. ibid.

note, that all Provincial Quæstors could not be called Proquæstors, as all Provincial Consuls and Prætors were called *Proconsules* and *Proprætores*: [c] For those only were called *Proquæstores*, which did succeed those Provincial *Quæstors*, when they did either die in their Office, or depart out of the Province, no successor being expected from *Rome*, at which time it was lawful for the Proconsul or Propræstor, to choose his Proquæstor. Moreover, there were besides these *Legati* & *Quæstors*, [d] other Military Officers, such as are the *Tribuni militum*, *Centuriones*, *Præfecti*, *Decuriones*, together with other inferior Officers, as their Secretaries, Bayliffs, Cryers, Serjeants, and such like.

[c] Rosin. ant. Rom. l. 7. c. 45.

[d] Sig. de Jur. prov. l. 2. c. 2.

LIB. III. SECT. 3.

Of the Roman *Punishments.*

CAP. I.

Supplicia, Mulcta, Lex, Ateria, Tarpeia, Ego ei unum ovem mulctam dico. &c.

TOuching the Military Punishments, which belonged to the Military Discipline; it shall be treated of in its proper place. Here only of the City Discipline, and the usual Punishments exercised therein, which we may divide thus. Punishments publickly inflicted on malefactors, are either *Pecuniary mulcts*, or *corporal punishments*: The *Pecuniary mulcts* were of two sorts; either an appointed sum of mony was required of the party guilty, and then it was called *Multa*; or his whole estate was seised on, and then it was termed a *Confiscation* of his goods. The *Multa* was twofold, the one termed *Multa suprema*, the other *Multa minima*. Of both these *a Gellius* writeth thus, *Suprema multa erat duarum ovium, & triginta boum, provocatis victor bovum, & pecudis ovium; sed cum ejusmodi multas peceris armentique à magistratibus dictas erat, adigebantur boves oves que, alias pretii parvi, alias majores, eaque res faciebat inæqualem multæ punitionem:*

a Gell. l. 11.

punitionem: ideireo postea lege Ateria constituti sunt in ovem solidi [illegible] Aeris gravis. Mamertinus de feriis Latinis. Moreover as he observeth in the same place, whenever the Magistrate did set a fine or mulct upon the offenders head, he used the word *Ovis* in the Masculine gender, as *Ego ei unum ovem mulctam dico, &c.* The Law which Gellius calleth *Ateriam legem*, *b* Festus calleth *legem Tarpeiam*, because *Aterius* enacted it when he was Collegue or fellow-Consul with *Tarpeius*. Likewise we may take notice of the Clemency used in those times. It was provided by the Law, that seeing there was a greater plenty of Oxen than of Sheep, and to be fined an Ox, was not so much as to be fined a Sheep, therefore the Magistrate pronouncing the fine, *c Bovem prius quam Ovem nominaret, ut innotesceret Romanis mitiores semper patres placuisse.*

b Festus in voce peculari.

c P. in lib. 18. c. 3. It Alex. ab Alex. l. 3. c. 5.

CAP. 2.

Capitis diminutio, maxima, media, minima; Aqua & Ignis interdictio, Proscriptio, Luna fuga, Deportatio, Exilium, Servitus, Carcer, In arenas relatio, Relegatio, Lapis, cum aliis minoribus.

THe corporal punishments were either such as were *Capital*, depriving a man of his life; or *Castigatory*, such corrections as served for the humbling and reforming of the offender, or for the destroying of him. *Capital* punishments were sometimes taken in a Civil acception, for the loss of freedom, which the Romans called *capitis diminutionem*, distranchising, because in every Freeman thus Distranchised, one head of the Corporation was as it were cut off: sometimes it is taken for the loss of ones life, and this they called *Ultimum Supplicium*. That Distranchising, called *capitis diminutio*, was *d* threefold, *Maxima, Media & Minima*. The least degree was, when the Censors pulled a man from an higher Tribe, down to a lower, and less honourable,

d Rosin. ant. l. 9. c. 31.

honourable; or when by any censure they disabled a man from sustaining, or giving his voice in the publick Assemblies: such as were thus in the last manner punished, were termed *Erarii*, and *In aerario relati*, *quia omnibus jure civitatis Romanorum postea quam tribu & Ære censendi amiserunt*. This kind of punishment as it may seem, was many times exercised for irreverend gesture, or speeches used by such as were questioned by the Censors. Three several examples are noted by *f Gellius*; the last is his, of *Scipio Nasica* and *M. Pompilius* being Censors, taking a view of the *Roman* Knights, observed one of them to have a lean starving horse, himself being fat, and in good plight; whereupon they demanded the reason why his horse was so lean, himself being so fat: his answer was, *Quoniam ego, inquit, me curo, equum Statius meus servus*. *Diminutio media*, was an exilement out of the City, without the loss of ones freedom; *g* It was commonly set down in this form of words, *Tibi aqua & igni interdico*. And it seemeth by *h Cœl. Rhodigine*, to be all one with that kind of banishment which the *Romans* called *Proscriptio*, though it cannot be denied but that *Proscriptus* sometimes signifieth only such a one whose goods are set at sale to satisfie his creditors, because he will not appear in the Court, the form thereof was thus: The Creditors having obtained leave of the Lord Chief Justice to proceed in this manner, they committed the ordering of the sale to one principal creditor, and he was called simply *Magister*, and he in the name of all the rest solemnly proclaimed in the cheif places of the City in form as followeth, *The debtor master in ejusmodi causa est, ut bona ejus divendi debeant, nos creditores patrimonium ejus distrahimus, quicunque emere velit, adsit*. But for the reconciling of both opinions, we may term the first to be *Proscriptionem bonorum*, the other *Proscriptionem honorum*, which distinction being not observed, breedeth a great confusion in the Authors that treat of this punishment: and because both were performed by solemn and

publique

e Sig de Jur. Rom. l. 1 c. 17.

f A Gel. noct. Att c. l. 4. c. 7.

g Cameary. in orat. Cic. pro Mur.

h Cœl. Rhod. l. 15. c. 17.

i Rosa. ant. l. 9. c. 12.

publick Proclamations; hence the name *Proscriptio* agreed as well to the goods confiscated, as to the persons banish'd according to that, *Quoniam tenia nomina in publico scribebantur, hinc proscribi dicebantur.* Hence the [f] Grecians used not onely the word ἀναγραφὴ, but also ἀνάδην, to signifie the act of *proscription*, because they wrote in a publick pillar the faults and offences of such as were thus banished. But to proceed without further digression, *Diminutio maxima* was the loss both of the City, and the freedom; and this I take to be the same which in other terms was called *Lata fuga*, or *Deportatio* namely, a perpetual exilement. All standing in opposition to that other kind of banishment, called *Regulatio*, which was the exilement * onely for a season, happily for five years, &c. See *Rhod lib.* 10. *cap.* 5. Though I deny not but that *Lata fuga* was so called, not only in respect of the duration of time, it being a perpetual banishment, but also in regard of the places so generally prohibited, so for he that was thus banished, was fled and limited to one particular Country, all other places in general being forbidden him. Those punishments that deprived of life in ordinary use, and of which there is most frequent mention in *Roman* Authors, are these which follow: *Furca, Crux, Carcer, Culeus, Equuleus, de rupe Tarpeia dejectio, Saxa, Gemoniæ, Tormenta, Damnatio in ludum, in metallum, in opus.* In general we are to note, that the execution was without the gates of the City, to prevent the noisomeness which such abundance of blood might occasion, for which reason the Executioner dwelt without the City. Likewise those that were adjudged to death, when they went to the place of Execution, a certain little Bell was tyed about them, that by the sound thereof, the people might beware of touching the condemned person, because the very touch of him was conceived a kind of pollution. This I have observed out of *Lucian*, and from thence the Executioners are called [p] *Lethi cum tintinnabulo.* And for this reason

[f] Fr. Matur. in Philip. orat. 5.

[g] Suidas in voce. ἀνάδην.

* Adde quod edictum quamvis immite minuxq; Attamen in pœnæ nomine lene fuit; Quippe relegatus, non exul dicor in illo. Ovid de trist. lib. 2. Eleg. 1.

[m] Tholosan. syntag. jur. univers. l. 31. n. 6.

[o] Turn. adv. lib. 11. c. 21.

[p] Plaut. Curcul. lib. 3.

reason ‖ it was, that a little bell and scourge was hanged up in the hindmost part of the Chariot, wherein the Lord General did ride in his triumph, a publick Officer which rid with him in the same Chariot, now and then plucking him behind, and bidding him look back, using this form of words, ‖ *Respice post te, hominem memento te*, that is, *Sir look behind you, remember your self to be but a man.* For the light of the scourge and bell served to put him in mind, that notwithstanding his present Triumph and Acclamations, his after-miseries might be such, that he might be punished not only with whips, but even with death it self.

‖ Rosin. ant. l. 10. c. 29.

‖ Tertul. Apol. c. 33.

CAP. 3.

Furca, Furcifer, Supplicium furcæ, Furcam ferre.

ANcient Authors which do write of the *Roman Furca*, do rather mention it, than explain it: but if we diligently observe what they speak of it, we shall find the use thereof to have been threefold. The first ignominious, which ‖ was when the Master forced the servant for small offences *furcam circa cervicem ferre*, to carry his *furca* upon his shoulders about the City, proclaiming his fault, and admonishing others to beware of the like offence, and ‖ hence such a servant was afterward called *furcifer*; and here I think was use of those *Furcæ* or goads, whereof I shall speak more in the Chapter following, namely, that when the party thus robbed pursued dragged back, and shewed himself unwilling, then did the Executioner quicken him forward with these kind of goads. The second sort was penal, when the party having the *furca* on his neck, was led up and down the Cirque, or some publick place, and so the way to be whipped, but not unto death: ‖ thus *C. Mævius Lanuvini [ob] furca die virgis cæsus erat, & sestertio nummo venit.* He

‖ Isidor. orig. l. 10.

‖ Plutarch. in Catiol.

‖ Plin. Livii. lor. l. 18. c.

was

was afterward sold, and therefore died not under the punishment. The third sort was penal too, but in a higher degree; namely, when the malefactor having his head fastened to the *furca*, was whipt under it unto death; and this was by a peculiar name called *Supplicium more majorum*. This yet differed from that beheading with an Ax; which was in use among the Romans and called by the Grecians [illegible] from [illegible], signifying an ax or hatchet; it differed I say from this, because however there was in this [illegible], a tying the party to a stake or post, and also [illegible], a whipping, in both which it agreed with the former punishment; yet herein they differed, because in the former they were whipped to death, in the latter they were after their whipping beheaded with an ax, as appeareth by the execution of *Antigonus* the King of the Jews. But to proceed in the description of the *furca*, the form thereof I take to be like the beam of a Wain, unto which the yoke is fastened; it resembleth a fork, and the *furca* is called [illegible], *Festus*, *Furcæ duplex, bicornium, genus*. In English a forked piece of timber, there is no such piece throughout the whole Wain, as the form of Wains is in these times, but only the beam thereof. *Plutarch* treating of the *furca*, saith that it is [illegible], that is a piece of timber about the waggon or wain, wherewith they uphold the beam; and he addeth, that what the Grecians call [illegible] and [illegible], the Romans call *furcapoin*. *Hesychius* describeth [illegible] to be [illegible], that is, the forked piece of timber, which they put under the yoke of the Wain; correct *Plutarch* by *Hesychius*, and for [illegible] read [illegible], and you have in both the description of the beam in the Wain. Some think that *Plutarch* compareth the *furca* to certain hooked pieces of timber, wherewith the Wain was upheld whilest it was unloaded; but how can this stand with *Hesychius* his description of [illegible], I am yet to learn; notwithstanding

1 Sueton. in Ner. 49.

2 Dion. l. 49.

3 Plut. in Coriol.

ing if we admit this interpretation, that which I would hence infer is rather confirmed, than any way weakned; namely, that the form of the old Roman *furca* was forked; neither do there appear any testimonies so evident to me, as to perswade, that among the ancient Romans any other was in use. True it is that in after-ages the form thereof was the very same with our *Gallowses*, which are now in use, and this haply began, when the use of crucifying was interdicted, which interdiction we read first to have taken place in *g Constantines* time.

g Sozom. Eccles. hist. l. 1. c. 8.

CAP. 40.

Crux Servile supplicium, Titulus.

CRucifixion hath been a punishment in ancient use among the Romans; it was abrogated by *Constantine*. It was a death that commonly servants were sentenced unto, seldom times freemen, whence it is many times noted out by the name of *Servile supplicium* by *Tacitus*: yet *b* sometimes freemen, though of the baser sort, and for notorious offences, were adjudged to this kind of death: nay a clear example hereof we have in that *c* Guardian which *Galba* crucified for poysoning his Ward, for the Guardian calling for the benefit of the Law, and avouching in his plea, *That he was a Roman Citizen*, *Galba* as if he would allay his punishment with some comfort and honour, commanded the Cross already made to be changed, and another to be reared six higher than the ordinary, and the same laid over with a white colour. Those which were thus to be punished, they bore their Cross upon their shoulders to the place of execution, *d Malefici cum ad supplicium educuntur, quisque suam effert crucem*. *Artemidorus* is as plain, ὁ μέλλων σταυρὸν φέρειν ἐπὶ τῶν ὤμων φερόμενος, ὁ μέλλων ἀποθνήσκειν ἐστίν, that is, The Cross is like unto death, and he which was to be crucified did first bear it: The party that suffered this kind of death, was first stripped of all his clothes, for he suffered *i* naked;

b Vid. Lips. de cruc. l. 1. c. 11.
c Suet. Gal. 9.
d Plut. de sera numinis vind.
e Vid. Lips. de cruce l. 2. c. 5.
f Artemid. l. 2. c. 53.

then

then was he fastned unto the Cross, and that commonly with nails, the Greek word ἐκπατάσσειν clearly evinceth as much; we may render it *Clavibus*. Now that the equity of the proceeding might clearly appear to the people, the cause of his punishment was written in Capital letters; hence *m* Dio speaketh of a servant dragged to the Cross ἐγγραμμάτου τὰς αἰτίας τὰς ἁμαρτίας, that is, with letters declaring the cause of his death. This inscription was called αἰτία *Matt.* 27. 37. It was also called τίτλος *Joh.* 19. 19. from the Latine word *titulus* used in the same sense. And sometimes ἐπιγραφὴ αἰτίας, *Mar.* 15. 26. or simply ἐπιγραφὴ *Luke* 23. 38. *n* Tertullian and *o* Suetonius calleth it *elogium*. The like kind of publishing the cause either by an Inscription, or by the voice of a common Crier, was not unusual in other capital punishments; as *Attalus* *p* the Martyr was led about the Amphitheatre, ἐπὶ ξύλου ἐπιγραφὴν ἔχοντος, ἣν ὁ ἡγεμὼν ἐξέθηκε γραμμάτων Ῥωμαϊκῶν, ταῦτα ἐστὶν Ἄτταλος ὁ χριστιανός. A table being carried before, in which was written in Latine, *This is* Attalus *the Christian*. That of *q* Suetonius is not much unlike, *Patrem familias detractum pollicitis in arenam canibus objecit, cum hoc titulo, Impie locutus Parricidium*. What is meant in this place by *Paterfamilias* and *Parricidium*, hath been already declared in the Chapter of *Fencers*. Moreover, such as were to be crucified, they were also whipt before they suffered. That same *horrendum carmen* clearly evinceth as much: the parts whereof are two: First, *r* *Verbera intra aut extra pomerium*. Secondly, *Arbore infelici suspendito*. This whipping was sometimes *sub furca*, for this, *Valerius* is plain, *Cum servum suum verberibus multatum sub furca ad supplicium egisset*; sometimes *ad columnam*, *Artemidorus* is clear in it, ὁ Φάλαρις ἐπὶ τὸν κίονα ἐμαστιγώθη, that is, being tied to the Pillar he received many stripes. Happily *s* *Plautus* alludeth to the same.

Ibi ego, adstringite ad columnam fortiter.

Yea, the ancient *t* Fathers say that our blessed Saviour was

m Vid. Lips. de cruce. l. 2. c. 11.

n Apol. c. 11.

o Suet. in Cal.

p Euseb. eccl. hist. l. 5. c. 2.

q Suet. Dom. c. 10.

r Liv. l. 1.

s Val. Max. l. 1. c. 7.

t Plaut. Bac.

t Prudentius Hieronym. Beda vid. Lipsi. de cru. l. 2. c. 8.

was thus whipt? Touching the place or manner the Scripture is silent, only that he was whipt it testifieth, and that with scourges. [illegible] *Matt.* 27. 26. This fore-whipping I take to be a matter unquestionable, but that they should be whipt on the way towards the place of execution, I much doubt; much more that they should be goaded on the way with pricks and goads by the executioner. That there was *Stimuleum supplicium*, a kind of punishment with pricks and goads, is evident, and hence cometh that phrase *Stimulo fodere*, and hence that other phrase of *kicking against the pricks*. Parallel to which is that of *Plaut. Trin.* 4. 2. *Stimulos pugnis edere*. But this kind of punishment I take to have been exercised only by Masters towards evil servants, and that not as preparatory to death, but for their reformation in future times: whence by way of contempt, a servant thus handled, was termed *Carnificinæ tribum*, because he had his back so boared with those pricking instruments that it looked like a sieve full of holes. Otherwise if we understand it as a punishment imposed by publick authority, we may say, that thereby is denoted a certain punishment exercised towards thieves in time of their examination, that by the pricking and goading of them, the truth might be confessed; for to that end thieves were thus tortured, and thence were they called *centrones*, from the *Stimulus*. Lastly, we must remember that these three words, *Furca*, *Crux*, and *Patibulum*, are many times used promiscuously, signifying the whole Cross on which malefactors suffered: but in strict propriety of speech, *Furca* signifieth that forked instrument of which we treated in the former Chapter; *Crux*, that erect part of the Cross standing upright: and *Patibulum*, the thwart piece of timber upon the top of the Cross: yet sometimes also *Patibulum* is taken for the Roman *furca*, so as *Patibulatus* and *Furcifer* are used as words equivalent, and in both senses it may borrow its name from *Pateo*, to lie open, because

a Plaut. mil. 2. 6.

x Plaut. Most.

a Carl. Rhodig. lect. antiq. l. 10. c. 5.

as the malefactors hands were spread abroad being fastened to the thwart piece of timber upon the top of the Cross: so were they likewise spread abroad under the *Furca*, his two hands being tied to the two forked ends thereof.

CAP. 9.

Carcer, *Ergastulum*, *Tullianum*, *Robur*, *Mala mansio*, *Nervus*, *Columbar*, *Numella*, *Codex*.

HOwsoever *Carcer* and *Ergastulum* are used promiscuously by modern Writers, yet if we diligently enquire into each words origination, and how they have been used by more antient Authors, we shall find them thus differenced. *Ergastulum* was a Prison much resembling our house of *Correction*, into which servants only were cast: *Carcer* a more publick Prison, unto which men of better rank and fashion upon just occasion were committed. Secondly, the power of sentencing any servant to the *Ergastulum*, was proper and peculiar to the Master of the servant, without approbation from publick authority; but the power of committing to the Prison called *Carcer*, was only in the publick Magistrate. Thirdly, *Ergastulum* took away only the liberty and pleasure of life; *Carcer* life it self. The word *Carcer* hath his name *a coercendo*, from restraining men of their liberty. It had two principal parts, the one called *Tullianum*, the other *Robur*, besides many other rooms wherein men were kept close Prisoners: those two places were assigned for execution. In that which they called the *Tullianum* (we may English it *Dungeon*) they strangled malefactors. *b* It had its name from *Servius Tullius* a *Roman* King, the first inventor and Author thereof. Of this *Salust* writeth, *Est locus in carcere quod Tullianum appellatur, ubi paulatim ascendere ad laevam circiter duodecim pedes deinde depressum, tum murmum undique parietes, atque insuper camera lapideis fornicibus juncta; sed incultu tenebris, odore foeda, atque terribilis ejus facies est.* In that other place which they called commonly

a Sig. de jud. l. 3. c. 7.

b Sig. ibid.

commonly *Robur*, sometimes *g Robustus Cadus*, sometimes *d Custodia lignea*, sometimes *e Ioelum robur*, (our English phrase *strong hold* fitly answereth it) they broke malefactors necks by a kind of precipitation or tumbling them headlong *f* from a certain stock of a Tree fastened there in the earth; unto this *Tully* alludeth, *Quæro fregerit ne in carcere cervices illi ipsi Vetio*: But more expressly *Plautus*, *g At ego faciam vos ambos in robusto carcere ut pereatis*. Those that had that chief oversight in such executions, were called *Triumviri capitales*, that is, *High Sheriffs*. The whole proceeding is set down by *Valerius*, *h Mulierem damnatam Prætor Triumviro necandam in carcere tradidit, quam receptam is qui custodiæ præerat, misericordia motus non protinus strangulavit, aditum etiam filiæ dedit, sed diligenter excussa, ne quid sibi inferret, existimans futurum, ut inedia consumeretur, cum vero animadvertisset filium matrem lactare sui præsidio sustentantem, rem ad Triumviros, Triumvir ad Prætorem, Prætor ad consilium judicum pertulit, ut remitteretur mulieri impetravit.* It is much controversed among interpreters what that kind of punishment was which they termed *Malam mansionem*, we may English it, *Little ease*. Some understand hereby a certain deep dungeon, made in the form of a pit or well, called therefore in Latine *Puteus*, but this as it seemeth by that of *Plautus*, was a punishment proper and peculiar to theevish Cooks; *i Coqui abstulerunt, comprehendite, vincite, verberate, in puteum condite*. Others understand hereby a close Prison, which because of its straitness and closeness they called *arcam*, a chest: the use of this prison was for the safe keeping of such who were afterward to be examined of further matters; though sometimes other offenders were cast into the same. Of these Prisons *Tully* speaketh, *k Subito abrepti in quæstionem, tamen separantur à cæteris, & in arcas conjiciuntur, ne quis cum his colloqui possit*. Another kind of Prison there was, called *Sentricium*, thus it is commonly rendred in Latine, but the Greek word is σηστρικὸν, and accordingly *l Tornebus* renders it *Sestricium*, being

c Plaut. Pœn. 5. 3
d Plaut. Pœr. 5. 6.
e Hor. lib. 2. Od. 13.
f Turn. adv. l. 23. c. 22.
g Plaut. in cur. c. act. 5. sc. 5.
h Val. l. 5. c. 4.
i Plaut. Aulul. 2. 5.
k Cic. pro Milone.
l Turn. adv. 3. c. 18.

being of opinion that it was so called from the quantity of ground it contained, namely two acres and an half. *C. Rhodiginus* thinketh that *Spoliarium* and *Sextitium* were not places unlike, but herein not he alone, but divers others have been deceived, for *Sextitium* is apparently a place of execution, where those were executed whom the *Roman* Emperours adjudged to death: now whether that *Spoliarium* were a place of Punishment, I much doubt. What in Latine we call *Sgoliarium*, that the Greeks termed [illegible], both do signifie primarily little Cells or Chambers neer adjoyning to the Bath, where such as washed themselves laid up their cloathes: In a borrowed sense both are used to signifie Chambers and Cells adjoyning neer unto the Amphitheatre or fencing place, wherein the Fencers did put up their cloaths in time of fight, and because such as were wounded in fight were carried into those Chambers, where they languishing with much pain, at last notwithstanding expired for the most part, and that not without much torturing of the Chyrurgion; hence such a *Spittle-house*, is also called *Spoliarium*. Thus much *Seneca* seemeth to intimate, *e Nunquid aliquem tam cupidum vitæ putas, ut inter gulas & spoliarium, quam in arena malit?* Whereby it appeareth that *Spoliarium* was not a prison, unto which malefactors were judged, but rather as I said, a kind of *Spittle-house*. Other kind of punishments there were of a neer likeness with Imprisonments, as casting into the Pillory, laying one by the heels, &c. Of these little is spoken more than the very names: of this sort those that do most commonly occur in Authors, are, these, *Nervus, Callumbar, Nassella, Codex*. *Nervus* is generally thought to resemble our *Stocks*. *d* Some take it to be made of wood, others of iron, *e Nervum appellamus ferreum vinculum, quo pedes impediuntur; quanquam Plautus eo etiam vinciri cervices ait.* Two of the last seem to have some resemblance with our Pillory; *Callumbar* had its name from *Collum*, because the neck was chiefly pained in

b Plut. in Galba.

c Sen. ep. 94. De spoliario. Vid. Lipsi. sat. 1. 18.

d Vid. Taubman. in Plaut. Aulu. 4. 10.

e Fest. Vid. Lam. in Plaut. Aulul. 4. 10.

in this kind of punishment. *Nimella* was also a kind of *Pillory*, being so called, *quasi* n *Nucella, quod qui eo vinculo constricti erant, nuere demissoq; capite esse cogebantur. Codex* was a certain block or *Clog*, so tyed unto the Malefactors, that they used it as a stool to sit on: The use of this may seem to have been only in private houses, thereby to keep evil servants the closer to their work: Of this *Juvenal* speaketh, *Sat.* 2.

n Turn. adv. l. 23. c 21.

Horrida quale facit residens in codice pellex.

o Turn. ibid.

o *Turnebus* describeth it thus, *Codex est lignens stipes, quem allegati servi qui deliquerant trahebant, eisque infidebant vincti.*

CAP. 6.
CULEUS.

THe Crime which in Latine we call *Parricidium*, is murder practised by Father or Mother towards the children, or by the Children towards either of their Parents. It had in old time a larger acception, signifying any murder between man and man, and then it was called *Parricidium, quia par parem occiderat.* The word taken in his first and proper signification, denoted a fact so unnatural, that neither *p Solon* nor *Romulus* would determine any punishment against such offenders, because they thought none so wicked as to commit it, and the prohibition it self might prove a kind of irritation to provoke some to the commission of the crime, which otherwise would never have entred into their hearts: but the wickedness of the after-times, enforced Lawgivers to invent a sharp punishment against such unnatural offences. The punishment decreed against Parricides in *q Senecas* Age, was that such malefactors should be sowed up in a leathern sack, together with Serpents, and so cast into the Sea: afterward there was sowed up in the same sack an Ape, and a Cock, and at last a Dog, Whence *Juvenal Satyr.* 8.

p Cic. pro Sext. Rosc.

q Sen. lib. 5. controv. 4. in fine.

Cujus

Cujus ſupplicio non debuit una parari
Simia, nec ſerpens unus, nec culeus unus, Juv. ſat. 8.

a Modeſtus deſcribeth the manner thereof thus: The Parricide being firſt whipt with rods until blood the came, then was he ſewed up in this ſack called *Culeus*, together with a Dog, a Cock, a Serpent, and an Ape. *b* They would not caſt him naked into the ſea, leſt the water thereof thereby might be polluted, wherewith all other pollutions in their opinion were expiated.

a Digeſt. lib. 48. ad legem Pomp. de parric. vid. Cœl. Rhod. l. 11. c. 21.
b Cic. pro Sext. Roſc.

CAP. I.

Eculeus, Lamina, Ungulæ, Fidiculæ, Tormenta.

Eculeus had its derivation from *Equus*, *quaſi Equuleus*, as may be collected from that deſcription which *c Turnebus* giveth; but not ſo much from the poſiture or ſituation of the offenders body on the Engine, as *Turnebus* would have it, for he in no wiſe reſembled a man on horſeback, but rather from the horſing or hoiſing up of the party faſtened with ropes unto the *Equuleus*, ſo that his hands being tied faſt at the upper part of the Engine, and his feet at the nether part, he was hoiſed up in the air like unto one faſtned on a Croſs. The form of the *Equuleus* I conceive thus, It was not one intire ſtake, but rather two long pieces of timber joyned together in form of a ſtake, joyned together, I ſay, by the means of a vice or ſcrue; and the reaſon hereof was, that by help of this ſcrue, the upper part of the Engine might be lifted up to the racking and torturing of the malefactor, or let down to the eaſing and remitting of his pains, as ſhould ſeem good to the executioner, or other Officers, who now and then would grant ſome remiſſion and reſpite in hope of a confeſſion. For in the firſt inſtitution, the main end of this torture was to work out the knowledge of the truth. Neither did they alone rack the parties joynts in this kind of puniſhment, but to enforce him unto a confeſſion by an augmentation of his pain,

c Turn. adv. l. 4. c. 3.

they did often with hot plates and iron pinsers, burn and tear his flesh from his sides; and all this we shall find warranted by *d Sigonius*, whose words I have written down at large, *Eculius cataſta fuit lignea, cochleata, ad intendendum ac remittendum apta, atq; ad torquendos homines, ut facti veritas eliceretur, inſtituta. Tormenti vero genus erat hujuſmodi, ubi cataſtæ huic brachia pedeſq; ejus, qui torquendus erat, nervis quibuſdam, quæ fidiculæ dicebantur, alligaverant, tum cataſta intenta atq; in altum erecta, ut ex ea quaſi ex cruce quadam miſer ille penderet, primum compagem ipſam oſſium illius divellebant, deinde candentibus ejuſdem corpori laminis admotis, atq; biſulcis ungulis ferreis lateribus laniatis doloris acerbitatem agebant.* And thus we see what the use of those *Laminæ & Ungulæ* were, namely, that they were not several torments of themselves, but adjuncts to this, to encrease the pain. The *Eculius* was sometimes called *e lignum tortorium:* sometimes *f ſtipes noxialis.* The torturing Engine called *Fidicula*, was not much unlike: *Fides* signifieth the string of any musical instrument, and the Engine had its name from the strings and cords wherewith men were tortured upon it: of this *g Turnebus* writeth, *Fidiculæ quæ in tormentis numerantur, mihi videntur laſcivia quadam joci nomen inveniſſe, quod ut in fidibus nervi item quoq; ut nervi hinc & inde multis funibus homines diſtendebantur.* The torment χουσὸς used by the *Greeians*, was either this same or very like.

d Sig. de jud. l. 3. c. 18.

e Sozo. hiſt. Eccl. l. 5.

f Prudent. in hymno. Vincent. Mart.

g Turn. adv. l. 4. c. 3.

CAP.

CAP. 8.

De rupe Tarpeia dejectio. De lapide empti. A furca redempti. Scalæ Gemoniæ. Tunica. Damnatio in gladium, ludum, ad bestias.

MAlefactors for notorious offences were tumbled down headlong from a certain rock in the *Tarpeian* Mount. This kind of punishment was called either simply *Dejectio è saxo*, or *Dejectio è Tarpeia rupe.* In some cases notwithstanding by the intercession of friends, or some other means, Pardons were sometimes obtained for the condemned persons, whereby they were freed from death, howsoever the disgrace and infamy cleaved ever after unto them, and therefore they were termed *de lapide empti:* which phrase *h* *Cæl. Rhod.* hath parallel'd with that, *à furca redempti*, that is, *Saved from the Gallows.* In the *Aventine* Mount was a place of like nature, called *Scalæ Gemoniæ*, certain stairs whither condemned persons were dragged, and so cast headlong into the river *Tiber.* *Cæl. Rhod.* seemeth to be of another opinion: *i* who describing this punishment, saith that a hook was thrust into the malefactors throat, and so he haled by the Executioner unto these stairs, where having his thighs broken he was burnt. Furthermore he addeth, that they were called *Scalæ Gemoniæ*, or *gradus Gemonii*, because as some are of opinion, the first that suffered this kind of punishment, his name was *Gemonius:* or as others would have it, because it was *locus gemitus, & calamitatum.* If we admit that malefactors were here burnt, then may we think this punishment *ad Scalas Gemonias* to be the same, which sometimes was called *Tunica.* The reason of which name was, because persons thus to be burnt, were clad with a Coat dawbed in the inside with pitch and brimstone. Thence is that of *k* *Seneca*, *Cogita illam tunicam alimentis igneam & illitam & intextam.* This giveth light to that of *Juv. Sat.* 8. *Tunica punire molesta.*

h Cæl. Rhod. ant. l. 25. c. 22.

i Cæl. Rhod. l. 10. c. 5.

k Sen. ep. 14.

Tertul. ad Martyr.

l Tertullian also mentioneth it in this sense. To these may be added two other punishments usually inflicted upon fugitive servants, but yet not so restrained unto them, as that they were not sometimes extended to other malefactors. The first is *Damnatio in gladium*, a condemning one into a Fence-school, there to be trained up in the Art of Fencing, until some publick prizes were plaid, at what time such a condemned person was to fight for his life. *m Capitolinus* calleth it *Ad gladii ludum deputationem*. But *Ulpian*, as *n Lipsius* elsewhere observeth, differenceth these two phrases thus: He that was *ad gladium damnatus*, was either presently put to death, or else at farthest within the compass of a year: but he that was *damnatus in ludum*, had not death so peremptorily sentenced upon him; if he escaped the danger of those publick prizes, and alwaies got the upper hand of his adversaries, at three years end he received the *Rudem*, or wand, which was a token of discharge from those bloody combats: yea, at five years end he received the *Pileum* or Cap, which was a token of his enfranchisement or freedom in the City. The second sort was *Damnatio ad bestias*, a condemning of a man to fight for his life with beasts, as with Bears, Leopards, Lions, &c. The persons condemned were termed *o Bestiarii*. A memorable example thereof we have in a certain *Roman* servant called *Androclus*, *p* who having run from his master, lived in a wilderness, and whiles he rested himself in a den, there came a fierce Lion unto him, moaning and grieving because of a stump of a Tree which stuck fast in his foot; *Androclus* at first began to be affrighted, but the Lion coming near er and nearer unto him, and laying his foot on the mans lap, intimated his desire of help from him, which when the man perceived, he plucked out the stump, and gave him what ease he could. Afterward this fugitive being apprehended and adjudged to this punishment, it hapned that this very Lion was brought into a shew-place for *Androclus* to fight with, where instead of

m Vid. Lips. Sat. l. 2. c. 3.

n Lips. Sat. l. 2. c. 23.

o A'ex. ab Alex. l. 3. c. 5.

p A. Gell. l. 5. c. 14.

a

a fierce onset, the Lion used a tame and familiar fawning on him, whereupon the spectators admired, and understanding the former passages between *Androclus* and the Lion, they released the servant, and freed him from his punishment. Where we must note, that this Pardon was extraordinary: *q* for usually if any so condemned happened to overthrow a Beast or two, yet was he not thereby discharged: but was to encounter with others until he were killed. Yea, it was very seldom that the man could prevail against the beast; on the contrary, one Lion hath prevailed against two hundred men, according to that, *r Præclara ædilitas, unus Leo ducenti bestiarii.* By which we see many men one after another did thus fight with beasts at the same meeting: yea the *s Grecians* called such as succeeded the first Combatants δεύτερος, the Apostle St. *Paul t* calleth them ἔσχατος, because they were reserved until the last. *u Tertullian* readeth that place in this sense, and the words themselves enforce as much: for what shall we understand by θεατρικὴ ἐπίδειξις, but the very spectacle or shew it self? and what ἐπίδειξιν, which signifieth properly *Ostendit*, but an allusion to him who was the chief Author and exhibiter of these bloody spectacles unto the people? * *Lipsius* hath parallel'd that phrase of *Tully*, *Ostendere munus*, with that of *Suetonius*, *proponere munus*; both signifying the setting forth or bestowing the sight of such masteries and fightings. And that it was no unusual kind of Martyrdom in times of the Primitive Church, thus to expose holy men to the fury and rage of wild beasts, appeareth by the example of *Ignatius*, who rejoyced to be grownd between the teeth of wild beasts, that he might be found pure bread; whose words were, *x Frumentum sum Christi, & per dentes bestiarum molor, ut mundus panis Dei inveniar*: yea the word Ἐπιθανατίους, *morti addictos*, helpeth this interpretation: The word intimateth that there was a sure death remaining for them also though the last. The custom being in the morning to commit men with beasts, but those

q Salmuth in Pancirol. de veter. ludis.

r Cic. in orat. pro Sestio.

s Suidas in voce Ἐπίδειξις

t 1. Cor. 4. 9.

u Tertul. lib. de pudicit.

* Lips. Sat. l. 2. c. 18.

x Iren. adv hær l. 5. c. 28. Ir. Eus. hist. Eccl. 3. c. 33.

thoſe ἐχατοὶ which remained till noon-tide, and were therefore called y *Meridiani*, was commited each againſt other, and that without any defenſive weapons, with ſwords in one hand cutting, and with the other hand being empty, graſping and tearing each others fleſh, ſo that z *Seneca* ſpeaking of this, comparing it with that former fighting with beaſts, ſaith, *Quicquid ante pugnatum eſt, miſericordia fuit.*

y Suet. Claud. c. 13.

z Sen. ep. 7.

CAP. 9.

Ergaſtulum. Ergaſtula inſcripta, Piſtrinum. Damnari in Antliam. Metallum. Inſcripti. Stigmatici. Literati. Virga. Flagella. Talio.

THe ſtate and condition of ſervants was various and differing among the Romans in old time, but of all they were moſt miſerable who lived in priſon. Whence thoſe that were ordinarily imployed in theſe priſon ſervices, they were either ſuch ſervants as were bought for that purpoſe, or ſuch as for notorious crimes were adjudged thereunto in way of puniſhment, whence the word *Ergaſtulum* is juſtly derived from the Gr. Ἐργάζομαι becauſe it is τὸν ἢ ὃν δεσμῷ Ἐργάζονται: *locum in quo vinctli operantur.* For even in the day time when they were ſent to work, they had ſhackles and bolts about their legs to prevent their ſcapes or running away, though not ſo big as thoſe into which they were caſt at night when they returned into priſon. Their fetters or bolts are oftentimes in ancient writers (peradventure from the form of their links) termed *Annuli*, and themſelves ſaid to have *pedes Annulatos.* They had alſo their foreheads marked or burned with ſome letters of infamy, which is the reaſon of *Juvenals* Epitheton, *Inſcripta Ergaſtula.*

Quem mirè adſciſcunt inſcripta Ergaſtula.

The labours in which they were imployed, were, ſometimes digging, delving, and tilling the ground: ſometimes digging of quarry pits, ſometimes grinding with an hand-mill, ſometimes drawing water: This latter kind of

of puniſhment in *mSuetonius* his phraſe is *Antliam damnari*. Thoſe Criticks who for the word *Antlia* do ſubſtitute *Anticyra*, or *Andia*, or ſuch like names of Iſlands, do utterly fail of the Authors ſcope and drift; for the puniſhment which *Suetonius* ſpeaketh of, is ſome ſtrange or unuſual puniſhment: now ſeeing that Senators themſelves were often exiled, it could not ſeem ſtrange that Roman Knight ſhould be baniſhed into forraign lands; but this was a matter unuſual, and unheard of, that a Roman Knights ſhould be imployed in ſuch drudgeries. Again, the word *Atalia* fitly denoteth ſuch a kind of labour, whether we reſpect its Etymologie ἀπὸ τῦ ἀντλᾶν, or its ſignification in Latine Authors, it being uſed by them to ſignifie a great bucket, or water ſcoop to draw up water. Thus *Martial*. *Curta laboratas antlia tollit aquas.* m Suet. Tib. c. 15.

The hand-mill is often expreſt by the Latine word *piſtrinum*, a word frequent in Comical Authors. It much reſembled our *Bride-well*, or place of correction, being called *piſtrinum à pinſendo*, from pounding. For before the uſe of mills was known, the Romans did pound their corn in a great morter, calling the place where they pounded it *piſtrinum*: whereupon our hand mill hath retained the ſame name to this day. And becauſe of the great pains that men did ſuffer in pounding, as likewiſe the ſtrict diſcipline uſed towards ſervants thus puniſhed (for *n* their neck was thruſt into a certain wooden Engine called *Pauſi cape*, made for the purpoſe, leſt haply in time of grinding they might eat of the meal) hence grew a cuſtom among them, that when a ſervant had offended his maſter, he would menace him in this manner, *In piſtrinum te dedam*, I will caſt thee into *Bride-well*. The puniſhment *Metallum* was not much unlike, the digging in mettal-mines, and working in mettal houſes, it appeareth not only to have been a baſe and ſervile, but alſo a very laborious and painful work; whence it was eſteemed a grievous puniſhment to be adjudged to mettal works, or caſt into a mettal-houſe. And either for the increaſe of n Turn. adv. l. 4. c. 13.

ſuch

ſt eh mens pains, or for to keep them from eſcapes, they were enforced to work with their ſetters and gyves about them, as is implied by *o Ulpian*, who makes the difference between theſe two phraſes, *Damnari in metallum*, & *Damnari in opus metalli*, to be thus, that the firſt ſort did wear heavier and greater ſetters than the laſt. How true the difference is, I leave it to the inquiry of others, but that it was a great and infamous puniſhment *p Tertullian* witneſſeth, in that ſpeech of his againſt the Heathen people, *De veſtris ſemper aliquat carcer, de veſtris ſemper metalla ſuſpirant*. Sometimes there was only ignominy, and diſgrace intended in their puniſhments, of which ſort was the bearing up and down the Roman *furca* in the Market place, or elſewhere in publike view, whereof I have ſpoken in the Chapter of *Furca*, likewiſe a branding of the malefactor with ſome infamous letter in the forehead or hand, or ſome other part of the body, whence *q Plin.* calleth ſuch ſervants *Inſcriptos*. Generally they are called *Stigmatici*, from *στίζω*, which ſignifieth to brand with marks; as *Nebulo ſtigmaticus*, a rogue burnt in the hand, or any way marked, ſometimes ſuch are called *Literati*. The *Athenians* being enemies to the *Samians*, as often as they took them captives, they did uſe thus to burn them for rogues, which occaſioned that proverbial ſcomme, *Samiis neminem eſſe literatiorem*.

o Vid. Cœl. Rhod. l. 10. c. 5.

p Tertul. Apolog. c. 44.

q Plin. l. 18. c. 3.

r Cœl. Rhod. l. 7. c. 13.

Sometimes beſides the diſgrace there was alſo toilſom pains, as appeared by their *Ergaſtula*, and ſometimes to their pains, ſtripes added. Though I deny not, but that many times, correction with ſtripes was a preparation for death it ſelf. This correction by ſtripes was twofold, either it was *Verberation*, or *Flagellatio*: The firſt was with rods called *Virgæ*; the other with ſcourges called *Flagella*. That there was a difference between *Virga* and *Flagella*, is plain by *Tully*, where by way of Irony he ſaith, *Porcia lex virgas ab omnium civium corpore amovit; hic miſericors flagella retulit*. Both of them were counted ſervile, ſo that freemen were ordinarily exempted from them, as appeareth.

—m Ad

——*m Ad necem operire lori. San. lorit liber?* m Ter. Adel. act. 2. scen. 1.

Horace also intimating the servile condition of *Meva*, saith.

n Sellus flagellis hic triumviralibus. n Epod. Od.

They are called *Flagella triumviralia*, from those *Triumviri* who formerly I translated *Sheriffs*, because to them belonged the oversight of the punishment. *Eustathius* calleth them ἀπεζωσμένας μάστιγας, i. e. *Flagra talaria, seu taxillata*, because to augment the pains, they did usually in these scourges tie certain huckle-bones, or plummets of Lead at the end of the whip-cords, or thongs, and such scourges they termed *Scorpiones*. The cruelty of the scourges was such, that they many times died under them. Thus have we generally and briefly touched the more usual Punishments. But sometimes wrongs done between party and party, were punished with a retaliation of the same kind: according to that, *A tooth for a tooth, and an eye for an eye*. And this kind of punishing was called *Talio*. Yet we are to know that a simple retaliation, such as is termed *Talio Pythagorica*, was not alwaies exacted; but sometimes satisfaction might be wrought by a commutation of the punishment. *o Reus habuit facultatem petitionis, & non necesse habuit pati retaliari, nisi eam elegisset.* It were endless to speak of all their Punishments, and haply not worth the labour, their very names being sufficient Comments to explain them. As *Effossio oculorum, Amputatio membrum, Crucifragium, Talionis species*, and such like. Tho'osan. in symag. jur. univ. c. 11. l. 31. o A. Gel. l. 11. c. 1.

LIB. III. SECT. 4.

Of the Roman *Laws.*

CAP. 1.

Le Legibus.

HAving ſpoken of the Civil Magiſtrates, and Puniſhments, we will now alſo deſcend unto the Civil Law: where firſt we will note among other differences between *Jus* and *Lex*, principally theſe. 1. *Lex* ſignifieth only the Law, but *a Jus* ſignifieth alſo that place, whereſoever the Law or Juſtice was adminiſtred: not only if it were adminiſtred out of the Tribunal in the *Comitio*, or great Hall of Juſtice, which was termed by the Lawyers, *Agere pro Tribunali*: but alſo if it were adminiſtred in a private houſe or in ones journey, ſo that it were by a lawful Magiſtrate, and out of a curule chair; and this was termed by the Lawyers, *Agere de plano*: and hence is it, that *In jus vocare* ſignifieth to cite one into the Court. 2. *Lex* ſignifieth only the written Law, but *Jus* ſignifieth equity, ſo that *b Jus permaneat ſemper nec unquam mutetur, Lex verò ſcripta ſæpius.* Notwithſtanding theſe two words uſed promiſcuouſly one for the other, and therefore leaving all curious differences between thoſe words (whether the Roman laws were truly *Jura* or *Leges*) thus much we may obſerve, that the laws uſed among them were of three ſorts:

a Sig. de jud. l. 1. c. 7.

b Fr. Sylv. in orat. pro Mil.

sorts: either they were such as were made by several *Roman* Kings, and afterward collected and digested into a method by *Sextius*, c from whence it was called *Jus Papirianum*, or they were such as the *Decem-viri* brought from *Athens*, and were called *Leges Duodecim tabularum*: or lastly they were such as the *Consuls*, the *Tribuni plebis*, and such Magistrates did prefer, whence every several Law bore the name of him or them that preferred it. My purpose is to explain only this latter sort, and that not all of them, but such alone as I have observed in *Tully*, and that chiefly in his Orations. My proceeding shall be first to shew the divers kinds of Judgements: and then to descend unto the laws themselves, beginning with those which shall concern the *Roman* Religion, and then proceeding to the others which concern the Commonwealth.

c F. Sylv. in ep. vivorum, illust. l. 5. cp. 11.

CAP. 2.

De Jure publico & privato.

THe cases to be decided by the law were either publick or private, and accordingly were the judgements, d *vel privata, in quibus jus suum privatus quisq; persequebatur; vel publica, in quibus injuria quæ reip. facta erat judicabatur.* The private (as we observed before) belonged unto the *Prætori urbano & peregrino*, that is, the 2. chief Justices, who did either give judgement themselves, and then were they said *judicare*; or they did appoint others to sit in judgement, and e then were they said *Judicium dare*: in the absence of the *Prætors* there were ten call'd *decem-viri Litibus judicandis*, i.e. f *super lites judicandas*, who in the same manner as the *Prætors*, might either give judgement themselves, or appoint others, for they were even in g one place and in stead of *Prætors*. Those which either the *Prætor* or the *Decem-viri* did appoint to debate the cases under them, were taken out of the *Centum-viri*, that is b out of certain Commissioners chosen for that purpose,

d Sig. de jure Rom. l. 2. c. 18.

e Sig. de jud. l. 1. c. 7.

f Rosin. ant. l. 7. c. 29.

g Alex. Gen. dier. l. 1. c. 16.

b P. Ramus in. 2. m. de lege Agrar,

pose, namely three out of every Tribe or ward: so that in all, the number of them amounted unto an hundred and five: but in round reckoning they went for an hundred: and from a certain spear that was wont to be erected up in token of this court, hence was the court called either *Prætoris Decemviralis*, or *Centumviralis hasta*. In some cases their form of acquittance was thus, *Secundum illum litem do.* whence *Tully* saith, *quæ minus secundum eos lis detur, non recusamus*, that is, we do not deny but they may be acquitted. Those that were cast in their suit, were said *Litem vel causam perdere*. The publick cases belonged ordinarily (except the *Consuls*, the Senate, or the people did interpose their authority) unto those whom we called *Prætores Quæstores*. Some have thought them to be the same with those whom *Rosinus* calleth *Judices Quæstionum*, and that I think not altogether upon unsure grounds: first because most of those publick cases which they termed *Quæstiones*, had their several *Prætors* to enquire them, whence they were called *Quæstores*, and may in my opinion be called *Judices quæstionum*, especially seeing that those which would have them be different officers, cannot well shew the differences of their offices. Now as the Urban *Prætor* had an hundred Commissioners under him, so had these *Prætores Quæstores*, certain Judges chosen by the Urban, or foreign *Prætor*, when he took his oath, and that not according to his pleasure as many as he would, or whom he would, but sometimes more, sometimes less, sometimes only out of the *Senators*, sometimes only out of the order of *Roman* Gentlemen, sometimes out of both, sometimes also out of other orders, according as the law appointed, which oftentimes varied in those points. The Judges how great soever the number was, were called *Judices selecti*, and were divided into several companies called *Decuriæ*. These Judges were upon any citation from any of the *Prætors*, to give their assistance in the Court upon the day appointed by the *Prætor*. Now the manner how they

f Sig. de jud. l. 1. c. 18.
g Sig. de jud. l. 1. c. 19.
h Cic. pro Q. Roscio.
m Rosi. ant. l. 2. c. 18.
n Sig. de jud. l. 2. c. 4.
o Sig. de jud. l. 2. c. 6.
p Sig. ibid.
q Sig. de jur. Rom. l. 2. c. 18.

they did proceed in their judgement, followeth in the expoſition of one of the Laws, and therefore I will refer the reader thither. Only let him by the way underſtand, that whereas *Tully* is quoted in every Law, it is not ſo much for the proof of the law as to ſignifie that he in that place maketh mention thereof. For the proof of the laws I refer the Reader to *Roſinus* and *Sigonius*; touching the expoſitions, my marginal quotations do prove ſufficient.

CAP. 28.

De legibus religionem ſtellantibus.

Lex Papiria.

Lex *Papirius Trib. pleb.* eſtabliſhed a law touching the conſecration or hallowing of places, that it ſhould be unlawful for any to conſecrate either houſes, grounds, altars, or any other things *Inſcijs plebi*, that is, without the determination of the *Roman* people in their aſſemblies, called *Comitia Tributa*, which determination was always termed *plebiſcitum*. Cic. pro Domo.

Roſcia lex.

L. *Roſcius Otho Trib. pleb.* preferred a law that whereas heretofore the *Roman* Gentlemen did ſtand promiſcuouſly with the commons at their theatral ſhews, now there ſhould be fourteen benches or ſeats built for thoſe *Roman* Gentlemen which were worth H.S. *quadragies*, that is about 322 *l.* of our Engliſh money. As for other Gentlemen, whoſe ſubſtance was under the rate, they had a certain place allotted them by themſelves, with a puniſhment impoſed upon them, if they offered to come into any of thoſe fourteen benches. Cic. Phil. 2. Ic. pro Mur.

Here we muſt note, that this character H. S. ſtandeth for a ſilver coyn in *Rome*, called *Seſtertius*, and is by *Roſinus* in this place improperly uſed for *Seſtertium*; for this character H.S. is by our printers falſe printed, the true character being L.L.S. ſignifying *duas libras* (as the two L.L. do intimate) and *Semiſſem*, which is intimated by the r Fr. Matur. in Phil. 2.

the letter S. Where if *libra* doth signifie no more than the *Romans* coyn called A. S. then is this opinion touching the characters L. L. S. easie to be confirmed. For divers Authors *f* rendering a reason of the name *Sestertius*, say it was so called *quasi Semistertius*, that is, such a coyn as containeth *Duos solidos asses & semissem*. This *Sestertius* was such a common Coyn among the *Romans*, *t* that *Nummus & Sestertius* became at length one to be used for the other, *u Mille hujusmodi sestertii vel nummi faciun unum sestertiun in neutro genere, & conficiunt plus minus viginti quinque coronas*. According to which rate, *quadraginta sestertia* amounting to 3125. and every particular *sestertius* is according to this rate, in value three halfpence farthing q.

f Ch. Hegendorphius in Verrinam.

t P. Nannius in Verrin. 5.

u Ch. Hegendorphius in Verrin. 5. m.

And here we may fitly observe the art of numbring by these *Sesterces*, which consisteth in three rules. First, if the numeral or word that declareth the number be a noun adjective agreeing in case, gender and number with the substantive *sestertius*, then it signifieth precisely so many *sestertii*, for example sake; *Decem sestertii* do signifie so many times 1. *obolus*. q. 2. If the numeral being an adjective, and of a different case, be joyned with *Sestertium* in the genitive case plural, then doth it note so many thousand *Sestertii*. For example, *Decem sestertium* signifieth ten times 7. l. 16. s. 3. d. Thirdly, if the numeral joyned with *Sestertium* be an adverb, then it signifieth so many hundred thousand *sestertii ex. gr. Decies sestertium* do signifie ten hundred times 7. l. 16. s. 8. d. Yea the numeral being an adverb, is sometimes put simply by it self, without the addition of any other word to signifie in the same manner, the genitive case *Sestertium* being understood. For the better conceiving hereof, the former example may be thus set down.

Decem

Decem sesterii.	10. *Sestertios.*		0000. l. 10. s. 6. d. ob. q
Decem sestertium.	10. *Millia sestertium.*	*De ingressu.*	0078. 02. 6. 0. 0.
Decies sestertium	10. *Centena. Millia sestertium.*		78125. 10. 0. 0. 0.
Decies.			

Clodia lex.

Publius Clodius Trib. Pleb. made a law, by vertue whereof the Priest called *Pessinuntius sacerdos* (from the place where he did first exercise those holy rites in the honour of the mother Goddess) should be deprived of his Priesthood, and the Temple built in the honour of this Goddess should be bestowed upon *Brotigarus* of *Gallo Gracia.* Cic. pro Sext. item de Arusp. respon.

Domitia lex.

Cn. Domitius Ahenobardus Trib. Pleb. enacted a law, that the Colledges of Priests should not as they were wont, admit whom they would into the order of Priesthood, but it should be in the power of the people. And because it was contrary to their religion, that Church-dignities should be bestowed by the common people hence did he ordain that the lesser part of the people namely seventeen Tribes should elect whom they thought fit, and afterward he should have his confirmation or admission from the Colledge. Cic. Arat.

Lex incerti nomini de vacatione sacerdotum.

Cicero in his orations mentioneth a law (not naming the author thereof) whereby the Priests were privileged from their service in all wars, except only in uproars or civil tumults, and their privileges were termed *Vacationes.* Cic. Phil. 8. & pro Font. & B. Iatom. in Phil. 5.

CAP.

CAP. 3.
De civitate & jure civium Rom.

Cic. pro Rab. & ſæpe alias.

Forcia lex de civitate.

M. *Forcius Trib. Pleb.* eſtabliſhed a law, that no Magiſtrate ſhould beat any Roman Citizen with rods.

Lex Sempronia.

Cic. pro Cluentio, & ſæpe alias.

C. Sempronius Gracchus Trib. pleb. preferred a law whereby he diſabled the Magiſtrate from puniſhing any Roman Citizen either with rods or with an ax, that is, with death, without the allowance of the people: Secondly, be vertue of this law, if any Magiſtrate did condemn any Roman Citizen *Indicta cauſa*, he ſhould be liable to the judgement and cenſure of the people. A third clauſe to this law was, *Nec quis coiret, conveniret, quo quis indicio publico circumveniretur Indicta cauſa.* He was ſaid to be condemned *cauſa indicta*, which was condemned before he had ſpoken for himſelf. Although *y Indicere pro non dicere, ſicut & inaudire pro non videre vix reperiatur, tamen indictum & inauſum, pro non dictum & non viſum, ſæpe reperiuntur.* *z* They were properly ſaid *Coire*, which did work underhand againſt a man, that he might be condemned; we may tranſlate it in this place to *Conſpire*. *a* The verb *Circumvenire* doth commonly ſignifie as much as *Circumſcribere*, to deceive or cheat one: but in this place to oppreſs one with falſe judgement procured by bribery or conſpiracy.

y P. Ramus in orat. pro Rab.

z F. Sylv. in orat. pro Cluentio.

a J. Camer. in orat. Cic. pro L. Flac.

b F. Sylv. in orat. pro Cluentio.

Lex Papia de peregrinis.

Cic. pro Balb.

The priviledges of the Roman Citizens became ſo great, that almoſt all the inhabitants of the confederate nations, would forſake their own dwelling, and uſe means to become free deniſons in the Roman City; inſomuch that the Embaſſadors of the allies and aſſociates, did grieve much and complain of the loſs of their inhabitants: whereupon a law was made by *Papius*, that all forreigners and ſtrange comers ſhould be expelled out

out of the City. To the ſame effect was *Lex Junia*, and alſo *Licinia Mutia de peregrinis*: the firſt being preferred by *Mar. Junius Pennus*, the ſecond by *L. Licinius Craſſus*, and *Q. Mutius Scævola*. Cic. offic l. 3.

Servilia lex de civitate.

C. Servilius Glaucia preferred a law, *Ut ſi quis Latinus*, if any of the Latin aſſociates could prove an action of bribery againſt a Senator, then ſhould he be made a freeman of the City. Cic. pro Balb.

Quis Latinus.] Here we will obſerve with *e Sigonius*, that the Latine people were not alwaies called *Latini*, *& Italici: ſed & ſocii, & Latini ſocii, & ſocii nominis Latini, & ſocii nomenq; Latinum, & ſocii ab nomine Latino, & ſocii ac Latinum dicti ſunt.* e Sig. de jur. Ital. l. 1. c. 2.

Sylvanus & Carbonis lex de peregrinis.

Sylvanus & Carbo being *Tribuni pleb.* preferred a law, *Ut qui fœderatis civitatibus adſcripti eſſent ſi tum, cum lex ferebatur, in Italia domicilium habuiſſent, ac ſexaginta diebus apud Prætorem profeſſi eſſent, cives Romani eſſent.* Cic. pro Archia.

Adſcripti.] For the right underſtanding hereof we muſt note, that there were *d* two ſorts of Citizens; ſome *cives nati*, that is, Citizens by birth, others *civitate donati*, that is, Citizens by donation or gift; who becauſe they were added unto, and regiſtred with the firſt ſort of Citizens, were thence called *Adſcripti cives.* d F. Sylv. in orat. pro lege Manil.

Profeſſi apud Prætorem.] This verb. *profiteri* is ſometimes *e Comitiale verbum*, and ſigniheth as much as *profiteri nomen*, that is, to render ones name unto a Magiſtrate; and this conſtruction it beareth in this place. e P. Ramus in orat. Cic. Agr. 2.

Lex Cornelia de Municipiis.

L. Cornelius Sylla preferred a law, that all *Municipall* States ſhould loſe their freedom in the *Roman* City, and alſo their priviledge of having commons in the *Roman* field. Cic. pro Dom.

Gellia, Cornelia lex.

L. Gellius Publicola, and *Cn. Cornelius Lentulus* being Cic. pro Balb.

Conſuls, decreed a law, that all thoſe private perſons upon whom *Cn. Pompeius* in his wiſdom ſhould beſtow the freedom of the *Roman* Citizens, ſhould ever be accounted free Deniſons.

CAP. 5.

De legibus ad Comitia ſpectantibus.

Ælia lex.

Cic. multis in locis.

Q. *Ælius Petus* asked a law in time of his Conſulſhip, *ut quoties cum populo ageretur*, that is, as often as any *Roman* Magiſtrate did aſſemble the people to give their voices, the *Augures* ſhould obſerve ſigns and tokens in the firmament, and the Magiſtrate ſhould have power *obnunciandi, & interdicendi*, that is, to gainſay and hinder their proceedings.

Ageretur cum populo. Here he may note the difference between theſe two phraſes *Agere cum populo*, and *agere ad populum*; *f* He was ſaid, *Agere ad populum*, whoſoever made any Speech or Oration unto the people, and this might be done upon any day indifferently. But then only was it ſaid, *Agi cum populo*, when the people were aſſembled to the giving of their voices by a lawful Magiſtrate, and the people were demanded what their opinion was in the matter propoſed: and this could not be done *g* but upon one of thoſe dayes which they called *Dies Comitiales*.

f Agel. l. 13. c. 14.

g Berſm. de ver. dier. ratione ad fin. Ovid. Faſt. Cic. in ſuis orat. ſæp.

Fuſia lex.

Pub. Furius ſive Fuſius Philus, being Conſul, ordained a law, that upon ſome certain days, although they were *dies Faſti*, that is, Leet-days, yet no Magiſtrate ſhould ſummon an aſſembly.

Clodia lex.

Cic. pro Sext.

P. Clodius Trib. pl. abrogated both theſe former laws, making it unlawful to obſerve ſigns and tokens in the heavens, upon thoſe days when the *Roman* people were to be aſſembled: And ſecondly, making it lawful to aſſemble

aſſemble the people upon any Leet-day whatſoever.

Gabinia lex.

At firſt, for many years the *Roman* people in their aſ- Cic. 3. de leg.
ſemblies did ſuffrage *Viva voce*, at which time many of the inferiour ſort gave their voices contrary to their wills, fearing the diſpleaſure of thoſe that were of higher place. For the better help in this point, *Gabinius* asked a law, that the people in all their elections might not ſuffrage *Viva voce*, but by giving up certain tablets, the manner whereof hath been formerly ſhewn; whence both this, and all other laws tending to this purpoſe have been called *Leges tabellariæ.*

Caſſia lex.

After *Gabinius*, *Caſſius* alſo preferred a law, that both Cic. in Lælio.
the Judges in their judgements, and the people in their aſſemblies ſhould ſuffrage by rendring ſuch tablets: *h* but this is to be underſtood only of theſe aſſemblies *h* Roſin. ant.
by Wards, called *Comitia Tributa:* wherein they treated l. 8. c. 3.
of mulcts and mercements.

Cœlia lex.

Cœlius Trib. pl. eſtabliſhed a law, that not only in Cic. 3 de leg.
mulcts and mercements, but alſo *In perduellionis judicio*, that is, in taintments of treaſon againſt any perſon of State, (namely ſuch as were *ſacroſancti*) or againſt the Common-weal, this *Tabellary* liberty ſhould have place, when the people ſhould judge thereof.

In perduellionis jud.] *i* This word *perduellis* doth ſigni- *i* Cœl. Sec.
fie an enemy unto the Senate, a traitor; and hence co- Curio. in orat.
meth this word *perduellio*, ſignifying not only the crime pro Milone.
of treaſon, but the puniſhment alſo due thereunto, *k Si* *k* Sig. de jud.
crimen quod erat graviſſimum inter crimina, nempe im- l. 3. c. 3.
minutæ majeſtatis: ſi pœna, quæ erat acerbiſſima, nempe mortis.

Papiria lex.

C. Papirius Carbo Trib. pl. perſwaded that not only in Cic. de leg. 3.
their elections, but in the propoſal of their laws alſo, this ſuffraging by tablets ſhould be uſed.

Sempronia lex.

Cic. multis in locis. *C. Sempronius Gracchus Trib. Pl.* preferred a law, that the Associates of *Latium* should have as great right of suffraging as the Roman Citizens.

Manilia lex.

Cic. pro Mur. *C. Manilius Trib. pl.* preferred a law, that all those who were *Libertini*, in what Tribe or Ward soever, should have the right of suffraging.

CAP. 6.

De Senatu & Senatoribus.

Claudia lex.

Cic. Verr. 7. ¶ Q. *Claudius Trib. pl.* perswaded a law, that no Senator or Senators father, should have any ship which should contain above three hundred of those measures called *Amphoræ*, deeming that sufficient for the transportation of their Corn from the *Roman* field. Secondly, by this law the Senators were forbidden the use of trading.

Amphora.] *Alexander Neapol.* observeth two sorts of these measures, namely, *Amphora Italica*, containing two *Urnas*, and *Amphora Attica*, containing three *Urnas*: every *Urna* containing two Gallons and a Pottle. This in probability is understood of the *Italian Amphora*.

l Alex. Gen. dier. l. 2. c. 20.

Tullia lex.

Cic. Phil. 1.] When as a custom had grown, that many of the Senators having by special favour obtained *Liberam legationem*, upon all occasions would abuse that their authority, procuring thereby their private gain, and the encrease of their own honour, then *M. Tullius Cic.* being Consul, laboured quite to take away these kinds of embassages, which though he could not effect, yet thus far he prevailed, that whereas in former times this *Libera legatio* being once obtained, was never (not through a mans whole life) taken from him again: yet afterward

ward this authority ſhould never be granted to any, than longer the ſpace of one whole year.

Legatio Libera.] We may obſerve in ancient Authors three ſeveral kinds of embaſſages: The one, which is a meſſage ſent from the Prince or chief Governour of one Country unto another, and that is expreſſed commonly by this one word *Legatio*, without any addition thereunto; ſometimes it is called *Legatio mandata.* The ſecond, which is when one purchaſeth the title of an Embaſſador, thereby the more honourably to perform ſome vow made, whence it was called *Legatio votiva.* The third is the office or title of an Embaſſador, granted upon ſpecial favour unto a Senator, that he might with the greater authority proſecute his private ſuits in law, or gather up his debts in that Province whither he went; this laſt was termed *Legatio Libera.* All three ſorts are briefly touched by *m Toxita.*

m M. Toxitæ in orat. Phil. 1.

CAP. 7.
De Magiſtratibus.

L. *Cornelius Sylla* being *Dictator*, made a law, that all ſuch as would follow him in the Civil War, ſhould be capable of any office or magiſtracy before they came unto their full years. A ſecond part of this law was, that the children of ſuch as were *proſcripti*, ſhould be made uncapable of the *Roman* Magiſtracies. Cic. in Piſon.

Before they came to their full age.] For *L. Villius* preferred a law, whereby he made ſuch as were under age, to be uncapable of the City-preferments, and thoſe he accounted under age, who had not attained unto that number of years which he had preſcribed each ſeveral office: *n* and this law was termed *Lex annalis.*

n P. Ramus in Agrar. 2.

Proſcripti were ſuch perſons as were baniſhed. For the fuller underſtanding, look Proſcription in the tract of Puniſhments. *Julius Ceſar* did contrary to this law, *Admiſit ad honores & proſcriptorum liberos, Sueton. Jul.* 41.

Hircia

Hircia lex.

Cic. Phil. 13. *A. Hircius* made a law, that all those that followed *Pompey*, should be made uncapable of all places of office.

Cornelia lex.

Cic. Phil. 2. *L. Cornelius Sylla* finding the *Prætores*, that is, the L. chief Justices not to give sentence alwaies according to equity, yea sometimes to go quite contrary to their own Edict, made a law, that every L. chief Justice should administer justice according to that his first Edict hanged up at the beginning of his office. An addition unto this law was, that the L. chief Justice should not be absent out of the City above ten daies.

Clodia lex.

Cic. pro Sext. In former times it was lawful for either of the Censors to censure whom he pleased, and how he pleased, except his fellow-Censors did plainly gainsay it, and make opposition therein. But many abusing this their authority, *P. Clodius Trib. pl.* made a law, that the Censors should not over-skip any in their election of Senators; neither should they brand any with disgrace, except such as had been accused unto them, and been condemned by them both.

Valeria lex.

Cic. Verrin. 4. The office of a Dictator at the first institution continued but six months space, until *L. Valerius Flaccus* being *Interrex*, in the vacancy of the Consuls, preferred a law, that *L. Cornelius Sylla* should be a perpetual Dictator.

Cornelia lex.

Cic. 3. de leg. *L. Cornelius Sylla* in the time of his Dictatorship, did by vertue of a law preferred by him, clip the authority of the *Tribuni pl.* disabling them of bearing any office after the expiration of their Tribuneship, taking away their authority of preferring laws, of using any solemn speech, or publick oration unto the people, of hearing appeals, of hindring any Statute or Degree tending to the hurt of the populacy.

CAP.

CAP. 8.
De legibus.

Cæcilia Didia lex.

Q. *Cæcilius Metellus, & Titus Didius* being Conſuls, forbad that *Una rogatione*, that is, in one and the ſame bill many things ſhould be propoſed unto the people; leſt by that means, the people by granting the whole bill, might grant ſomething which they would not, or in denying the whole bill, might deny ſome particular clauſe, which by it ſelf they would have accepted. Moreover theſe two Conſuls ordained, that before a law ſhould be asked in the aſſemblies, it ſhould be promulged, that is, hanged up to the publick view of the people three Market-days. Cic. pro dom. ſua ad pontif.

Junia Lacinia lex de trinundino.

Junius Silanus, and *L. Licinius Muræna* being Conſuls, eſtabliſhed that law of *Cæcilius* and *Didius*, annexing a more ſevere puniſhment for the breakers thereof. Cic. Phil. 5.

Clodia lex de interceſſione.

P. Clodius Trib. pleb. made a law, that the *Trib. pleb.* ſhould have full authority and power to propoſe laws: neither ſhould they be hindred by the *Interceſſion*, that is, gain-ſaying of any. Cic. pro Sext.

Licinia Æbutia lex.

Licinius and *Æbutius* being *Trib. pleb.* ordained, that if any preferred a law touching the overſight, the charge, or cure of any buſineſs in hand; neither he, nor any fellow-officer with him, nor any allied unto him, ſhould have this overſight or charge committed to him. Cic. pro dom. ſua ad pontif.

CAP. 9.
De Provinciis.

Sempronia de Provinciis.

C. *Sempronius Gracchus Trib. Pleb.* ordained, that the Senate every year before the election of their Conſuls, ſhould Cic. de prov. conſularibus.

should as it seemed best to them, appoint out what Provinces the Consuls now to be elected, should after the expiration of their office go unto; for which Provinces afterward the Consuls designed should cast lots. Another clause to this law was, that whereas in former times by a decree from the Senate, it was lawfull for the Tribunes to hinder the *Roman* assemblies, hence forward they should have no authority.

Cornelia de Provinciis.

Cic. ep. 9. ad Lentul.

L. Cornelius Sylla being Dictator, preferred a law, that whosoever went into a Province *cum imperio, tamdiu illud imperium retineret, quoad in urbem reversus esset*: whereas in former times his rule and government was to be resigned at the expiration of a set time appointed; yea although no successor were sent, yet could he not continue there *cum imperio* without a new Comission. A clause added unto this Law was, that after the coming of any new President or Governour into the Province, the old Provincial President should depart within thirty days.

p Sig. de jure Prov. l. 3. c. 13.
q Sig. ejusd. l. c. 6.

Esse cum imperio] that is, p *Exercitui præesse*, q *vel habere jus administrandi, & suis auspiciis gerendi belli.*

Titia lex de Provincia.

Cic. pro L. Mur.
r Melanct. in orat. pro Mur.

Titius or (r as some say) *Decius* preferred a law, that the Provincial Treasurers called *Questores*, should cast lots for their Provinces: whence *Tully* in the Oration now quoted inferreth, that although *Ostia* being the better Province fell upon *Servius Sulpitius*, yet inasmuch as it fell *Lege Titia*, that is, by casting lots, he could not therefore challenge any superiority above *L. Murœna, sed utriusque nomen consedit in Quæstura*, that is, their fame and renown was equal in their *Questorship*.

Julia lex de provinciis.

Cic. Phil. 1.

C. Julius Cæsar established two laws touching the *Roman* Provinces: one, that no *Prætor* should govern a Province above twelve months; nor *Proconsul* above two year. The several heads or clauses of his second law could

could not all be found out, but those which have come to light are these: First, that *Achaia*, *Thessalia*, and all *Grecia* should be free; neither should any Roman Magistrate sit in judgement in those Provinces (*Cic. pro domo.*) Secondly, that the Provincial Governours and their *Comites*, that is, assistants or attendants, should have hay, and all other necessaries provided them on the way, by those Towns and villages through which they passed. (*Cic. in Pison.*) Thirdly, that the Provincial Magistrates at their departure should leave a book of their accounts in two Cities of their Province, and likewise should send a copy of their accounts unto the Roman Treasure-house. (*Cic. in Pison.*) Fourthly, that it should neither be lawful for the people to bestow, nor for the Provincial Migistrate to receive *Aurum coronarium*, unless it were in a triumph (*Cic. in Pison.*) Lastly, that it should be unlawful for the Provincial Magistrate, without the allowance of the People or the Senate, to depart out of their Province, to lead forth any army, to wage war, or to go into any forraign Country (*Cic in Pison.*)

Aurum Coron.] There was a custom among the *Romans* in times of victory, to present unto the L. General Coronets of Gold, instead whereof the after-ages presented a certain sum of money, which was thence called *Aurum coronarium.* (Li. l. de Mag. Rom. l. 2. c. 9.

Vatinia de Provinciis.

P. Vatinius Trib. pleb. procured a law, that *Julius Cæsar* should have the government of *Gallia Cisalpina*, and *Illyricum* for five years space, without any decree from the Senate, or casting lots. Secondly, that they also should go as Legates, or L. Deputies unto *Cæsar*, without any decree from the Senate, whosoever were nominated in that law. Thirdly, that *Cæsar* should receive money out of the common Treasure-house towards having an army. Lastly, that he should transplant a Colony unto a certain town of *Cisalpina Gallia*, called *Novocomum.* Cic. pro Balb.

Clodius de Provinciis.

Cic. pro dom. *P. Clodius* being *Trib. pleb.* procured a law, that the government of *Syria*, *Babylon* and *Persia*, should be committed to *Gabinius*, the government of *Macedonia*, *Achaia*, *Thessalia*, *Græcia*, and all *Boatia*, should be committed unto *Piso*; and they should receive together with an army, mony out of the common Treasury towards their journey.

Clodius alteris de Cypro.

Cic. pro Sext. *P. Clodius* preferred another law, that the Iland *Cyprus* should be made a Province. That *Ptolomæus* the King of *Cyrus* sitting in his purple, with his Scepter and other his Princely ornaments, *Præconi publico subjiceretur, & cum bonis omnibus publicaretur*, that is, should himself with all his goods to be sold by a common Cryer. That *M. Cato* being then Treasurer, *cum jure Prætorio, adjecto etiam Quæstore*, having by commission the office of a L. chief Justice, and another Treasurer to accompany him, should be sent into the Iland *Cyprus*, both to make sale of the Kings goods and estate, and also to bring back the mony. Lastly, it was decreed by this law, that those who lived in exilement at *Byzantium*, being condemned for some capital crime, should be brought back unto the City under the name of Romans.

Præconi publico subjiceretur: For the better understanding of that phrase, we are to understand the manner of port-sale among the Romans; which we may read in *Sigonius* thus. Those things were rightly sold in port-sale, which were publickly sold *per Præconem sub hasta*, that is, by the cryer under a spear stucked up for that purpose, and some Magistrate making good the sale by delivery of the goods. Whence I take, *publica præconi subjici*, and *hastæ subjici*, to signifie one and the self same thing, namely, to be set at sale: and a *Cicero* useth almost the self same phrase, *bona C. Pomptii, voci acerbissimæ subjecta præconis*. This kind of sale was termed *Auctio*: because, as *Sigonius* saith in the same place, to him the

goods

goods were ſold, *Qui plurimum rem augeret*, that is, which would bid moſt for it: and hence is the ſelling thereof termed *Auctio*, as *u* Cic. *Id quod è malo auctore emiſſent*, that is, that which they had bought of one, which had no authority to ſell: and from this cuſtom of ſetting up a ſpear in this kind of ſale, this word *Haſta* alone is uſed, to ſignifie port-ſale, as *x Haſta Cæſaris*, the ſale of *Cæſars* goods. Thoſe who bought theſe goods, *y Tully* calleth *Sectores*, *z quia ſpem lucri ſui ſectabantur*. In ſuch kind of ſales, a catalogue, or note of the goods to be ſold was hanged up in tables, for the publick view of paſſengers. Whence ſuch goods were termed *ſuſpenſa bona*. And if any friend would redeem the goods, then did he *dejicere libellos*, that is, put in bands and ſecurity to anſwer the matter. The phraſe is uſed by *Tully Cic. pro Quintio*. And alſo by *Seneca, de benif. lib. 4. c. 12. Suſpenſis amici bonis libellum dejicio, creditoribus ejus me obligaturus*. It is thus explained by *Turnebus, adv. lib. 12. c. 9.* If the ſale proceeded on, then ſuch as propoſed to be chapmen ſignified their deſire by holding up their finger: whence *Digitum tollere* ſignifieth the deſire of buying ſuch goods. *Alex, ab Alex. lib. 4. cap. 26.*

u Verrin. 7.

x Cic. Phil. 8.
y Cic. in Ver.
z Cic. de jud. l. 2. c. 14.

CAP. 10.

De Legibus Agrariis.

THoſe laws were termed *Leges Agrariæ*, which did concern the diviſion of the publick, or common fields: And theſe were either given by *Romulus* and other Kings, or taken from the enemies, or from private men which had made incloſures: or laſtly, bought out of the common Treaſury, *a Vide Sigon.*

a Sig. de jur. Ital. l. 2, c. 2.

Sempronia lex Agraria.

b Titus Sempronius Gracchus Trib. Pl. preferred a law, which forbad that any of the *Romans* ſhould have to his own part above five hundred acres of the common fields: the one half of which it was lawful for his ſon to en-

b Cic. pro Sext.

joy. If it had so hapned, that any should enlarge their common fields, three surveyers called the [r] *Triumviri agro dividendo*, did mark out which was common, which private ground. Moreover it was by this law provided, that the mony of King *Attalus*, who made the people of *Rome* his heir, might be bestowed upon those citizens, which had by this law obtained a part of the common fields, to the buying of instruments for husbandry. Moreover that the Kings lands, should be farmed out at a fit rent by the *Censors*, whence any yearly tribute should be paid to the people.

r Sig. de jur. Ital. l. 2. c. 2.

Cornelia lex.

Cic. in. Rul. *L. Cornelius Sylla* being Dictator, preferred a law, that all the fields of those *Romans* which he had banished should be common. This publication is to be understood chiefly of those fields in *Thuscia*, near unto the City *Volater*, and the City *Fesula*, which grounds *Sylla* divided amongst his souldiers.

CAP. III.

De frumentariis Legibus.

Sempronius Lex.

Cic. pro Sext. T. *Sempronius Gracchus* being Tribune of the Commons, provided that a certain quantity of corn should monthly be given unto the poorer sort at a low price, *Semisse & Triente*, that is, about sixpence farthing a bushel: Hereupon was there a place appointed in *Rome*, for the keeping of this common corn, together with certain laws hanged up there, called *leges frumentariæ*. This place was called [s] *Horrea Sempronia*. The quantity of corn laid up in every City for this purpose is by the latter Lawyers termed *Canon*: as *Canon Alexandrinus*, *Canon urbis Romæ*, &c. *vide Stuck. de conviv. lib. 1. cap. 35.*

s Rosin. ant. l. 7. c. 11.

Semisse & triente] It appeareth by the next law that *semissis* in this place must signifie the same as *sextans* doth there: Whereby we may note, that *semissis* doth not alwaes signifie the half part of the *Roman* As, called

As,

As, but sometime it signifieth a greater coyn, valuing almost our six pence.

Clodia lex.

P. Clodius Trib. Pl. ordained, that that corn which heretofore was sold to the poor *senis aris & trientibus in singulos modios*, that is, for six pence farthing a bushel, should hereafter be given *gratis*, the charge and oversight of this dole was committed to *Sext. Claudius*. Cic. pro. Sext. in Pison.

Terentia Cassia.

M. Terentius and *C. Cassius* being Consuls, preferred a law, *Ut altera decuma a provinciis coemeretur, pretio in singulos modios* H. S. *trium constituto: Item ut civitatibus aequaliter imperaretur, pretio in singulos modios* H. S. *quatuor constituto.* Cic. Verrin. 5. & 7.

For the better understanding of this law, we must note a threefold tithe paid by the Provinces. The first was the tenth part of the grain growing in the Province to be paid in *gratis*, and that was properly called *Decuma*, or *frumentum Decumanum*, and those that took this tithe to rent, were called thence *Decumani*. A second sort of tithes was a certain quantity of corn taken up for the L. President, or chief governour of the Province, to keep his house, and that was called *Frumentum æstimatum*, that is, corn gathered by way of taxation: for so this word *æstimo* coming from *æs* doth signifie, *Et enim æstimare ab ære dictum, id quod nunc dicunt appretiare & taxare.* The third sort of tithes was when the Senate finding scarcity of corn in *Rome*, did enjoyn the Provinces to sell them a quantity of corn at a price set down by the Senators themselves, and this corn sold upon injunction, if it was paid but once in the year, it was termed *Frumentum emptum*, but if in the same year a second sale was enjoyned them, then they called that a second pay, *Frumentum imperatum*. In the first clause of this law by [*alterâ decumâ*] is meant *Frumentum emptum*; in the second clause by these words [*civitatibus aequaliter imperaretur*] is understood *Frumentum imperatum*. d Sig. de jur. prov. l. 1. c. 1. e F. Sylv. in orat. pro Cluentio.

Lex

Lex Hieronica.

Cic. Verr. 4. *Hiero* King of *Sicily* obtained a law, wherein was set down the quantity of corn, that the *Aratores* or country farmers should pay unto the *Publicani*, that is, those which received the tithes, together with the time of payment, and this price agreed upon.

CAP. 12.

De legibus sumptuariis sive cibariis.

IN antient times there was a commendable frugality among the *Romans* in their feast, but after ages grew to immoderate excess therein, so that whole Goats and Boars, *&c.* were set on the table at one time. Such a hog thus dressed *Cincius* was wont to call *a Porcum Trojanum*, alluding to the *Trojan* horse; because the belly thereof was stuffed with variety of fowl and rabbets, and such like, as the *Trojan* horse was with armed men. This kind of excess *Tiberius Cæsar* laboured to redress, by serving at his table cold half-eaten dishes at solemn feasts, using this proverb, *b Dimidiatus ager omnia eadem habet quæ totus.* Hence also men of severer discipline enacted laws termed *Leges sumptuariæ*, or *Cibariæ*, which prescribed a moderation, not only for the charges in their greatest feasts, that they should not exceed such and such sums of mony, but also for the guests to be invited, that they should not exceed such a number. The chief of these laws were these that follow.

a Stuck. de conviv. l. 3. c. 3.

b Suet. Tib. 34.

Lex Orchia.

C. Orchius being Protector of the Commons, by the consent of the Senate, the third year before *Cato* was *Consul*, preferred a law, whereby he only moderated the number of guests, without any limitation of the charges or superfluous expence at feasts.

Lex Fannia.

Twenty two years after *Orchius* his law, *C. Fannius* being Consul, enacted another for the moderating of expences,

pences, allowing *Non plures denis assibus* to be spent in their ordinary feasts; But upon those more solemn feasts dedicated unto *Saturn*, and from thence called *Saturnalia*; likewise when any publick games were exhibited by the Roman people, he then allowed *Centum asses*, ordaining that no other fowl should then be dressed but only one hen, and that not fatted for the purpose.

Non plures denis assibus.] The *Roman* coyn *As* was so called *c quasi es*, because the matter thereof was *brass*; *d* at first it consisted of a full pound weight, afterward in the first *Punick* war, by reason of the scarcity of mony, they made of every pound of brass six of those coyns, each valuing as much as they did at first. In the second *Punick* war, there were twelve made of every pound: at last by vertue of a law, which *Papirius* enacted, four and twenty were made of a pound; and so they continued; the value alwaies remaining the same, *videl.* ob. q. so that to allow but ten of these to a feast, seemeth a matter altogether uncredible; but consider with the frugality, the cheapness of those times, it may be granted for a truth; *e* for ten of these were the price of a sheep, and an hundred the price of one ox.

c Varro. l. 4. de ling. Lat. *d* Plin. l. 33. c. 4.

e A Gel. 13. c. 2.

Lex Didia.

Eighteen years after *Fannius*, *Didius* ordained that the former sumptuary laws should be of force, not only in *Rome*, but throughout *Italy*; Moreover that not only the feast-maker transgressing, but all the guests, should be liable to the penalty.

Lex Licinia.

P. Licinius Crassus preferred a law in manner agreeing with the *lex Fannia*, whereby he rather confirmed *Fannius* his law being now antiquated, than made a new.

Lex Cornelia.

Cornelius Sylla being Dictator, ordained a law for the price of meats, so that he was thought by cheapness of victuals to increase rather than to restrain superfluities at feasts.

Lex

Lex Antia.

Antius Restio preferred an useful law to moderate expences in feasting, which notwithstanding was violated, and in a manner abrogated by the contrary practice of the Citizens in general. For which cause, *Restio* afterward being invited, would never come to any feast, because he would not be an eye-witness of the contempt of that law which himself had caused. If any desire to see more laws of this nature, let him read *Stuc. convit. l. 1. c. 3. Aul. Gel. l. 2. c. 24.* And *Macrob. Saturn. l. 3. cap. 17.*

CAP. 13.

De re militari & bellis.

Gabinia lex.

Cic. pro leg. Manilia. A. *Gabinius Trib. pl.* preferred a law, that the managing of the war against the Pirats should be in such manner committed unto *Pompey.* for three years space, that over the whole Sea between *Hercules* his Pillars, and in the Maritime Provinces unto the four hundredth *Stadium* from the Sea, he should have power to command any Kings, L. Presidents, or whole Corporations to furnish him with all things necessary to that war.

Manilia lex.

Cic. pro leg. Manilia. *C. Manilius Trib. pl.* perswaded a law, that the managing of war against *Mithridates* should be committed unto *Cn. Pompeius:* That the whole Province where *L. Lucullus* ruled, together with his whole army should be resigned unto him: Moreover, that *Bithinia* where *Glabrio* ruled should be added, together with all those bands and forces which he had upon the Sea against the Pirates, and all those Provinces over which the law *Gabinia* did entitle him Governour, as *Phrygia, Licaonia, Galatia, Cappadocia, Cicilia, Colchis superior,* and *Armenia.*

CAP.

CAP. 14.
De Tutelis.

THis word *Tutela* doth ſignifie a wardſhip, guardianſhip, or protection of a child in his nonage: whereof *f Camerarius* obſerveth four ſorts, and we may with *Peditarius* add the fifth. Either the overſeers were appointed by will; or elſe the next of the kin were overſeers; or the Magiſtrate did appoint whom he thought fit: and theſe three ſorts *g Omphalius* calleth thus: the firſt *Teſtamentariam*, the ſecond *Legitimam*, the third *Dativam*. The fourth ſort *Camerarius* calleth *Tutelam fiduciariam quæ eorum eſt, qui emancipati deſiiſſent eſſe agnati.* The fifth *h Pellitarius* calleth *Tutelam honorariam*, namely, when as the office of adminiſtration is committed to others, but yet certain chief overſeers were appointed to ſee the will performed, who were called *Tutores honorarii.* *i* Where we muſt note, that the law provided overſeers, not for children under age only, but for women alſo.

f I. Camer. in orat. pro L. Flacco.

g I. Omphal. in ora. pro Cæcinna.

h Pellitarius pro Cæcin.

i Cic. pro Mur.

Emancipati deſiiſſent eſſe agnati] By the *Roman* law every ſon was in ſuch ſubjection unto his father, that before he could be releaſed of this ſubjection, and made free, he ſhould be an imaginary ſale *k* be ſold three times by his natural father to another man, who was called by the lawyers *l Pater fiduciarius*, that is, a father in truſt: yea and be bought again by the natural father, and ſo manumiſſed by him, and then he became free. The form of this kind of ſale, or alienation, is ſet down more at large in the explanation of one of the laws that followeth, with an example not much unlike this. This imaginary ſale was called *Mancipatio*; the children thus alienated from the father were termed *Emancipati*; this form of ſetting free was termed *Emancipatio.* This *Fiduciaria tutela* then, in my opinion was thus; That when any goods did fall unto a child thus

k Vid. leg. 12 tabul.

l S g de jur. Rom. l. 1. c. 10.

alienated, by the death of his father, then should not the overſight of this child fall unto the next of the kin, termed *agnati*, but *Quoniam deſiit eſſe agnatus*, that is, because he had in a manner loſt his alliance with his kindred, therefore should the overſight of the child belong unto the father in truſt, termed *Pater fiduciarius*, whence the guardianſhip it ſelf was called *Tutela fiduciaria*.

Latoria lex.

Cic. 3. de offic. This law made by *Latorius*, provided that there should be overſeers appointed for thoſe which were diſtracted, or did prodigally waſte their patrimony. For, as it appeareth by the common adage, *Ad Agnatos & Gentiles deducendus eſt*, they did account all prodigals mad men; they meaning no more by that, than we do by our Engliſh proverb, when we ſay of a Spend thrift, Let him be begg'd for a fool. The reaſon of their adage was, becauſe if any were diſtracted, by the *Roman* law his wardſhip fell *Ad Agnatos & Gentiles*, that is, to the next of the kindred.

CAP. 15.

De Teſtamentis.

BEfore we deſcend unto the Laws themſelves, we will explain thoſe three divers ſorts of Wills in uſe amongſt the *Romans*; namely, *Teſtamentum calatis comitiis*: which was ſo called, becauſe twice in the year in time of peace the *Roman* people aſſembled themſelves together, to this end and purpoſe, that if any would make his Will, the whole people might bear witneſs thereunto: Theſe aſſemblies were termed *Calata comitia*. Secondly, *Teſtamentum in procinctu*, that is, when a ſouldier in time of war, ready to give battel, did call out three or four of his fellows, and in the audience of them did by word of mouth pronounce his laſt will and teſtament. Thirdly, *Teſtamentum per emancipationem familiæ*, that is, by making over his goods and poſſeſſions under

a

a feigned form of ſale, unto a ſecond party, called *Heres fiduciarius & imaginarius*, i.e. an heir in truſt, who ſhould afterward reſign them unto the true and lawful heir: and this imaginary kind of ſale was performed with certain ſolemnities *circa æs & libram*, and alſo the ſale it ſelf was ſometimes called *Nexum*, as likewiſe *Emancipatio*. Hence was the will ſometimes called *Teſtamentum per æs & libram*, ſometimes *Teſtamentum per nexum*. For the proof of this which hath been delivered, touching the three ſorts of Wills, I will refer the Reader to *m Sigonium*.

m Sig. de jur. Rom. l. 1. c. 12. Cic. Verr. 3.

Furia lex.

C. Furius Trib. pleb. made a law, that it ſhould not be lawful for any to give away, in way of legacy unto any, except to the kinſmen of him which manumiſed him, or ſome other certain perſons, *ſupra mille aſſes*, that is, above fifty ſhillings or thereabout, there going two *Aſſes & ſemis* to the making of one *Seſtertius*.

Voconia lex.

Q. Voconius Saxa Trib. pl. tulit legem, Ne qui cenſus eſſet, virginem neve mulierem ſupra quadrantem ſuorum bonorum hæredem inſtituere, neve cuiquam legare, quàm ad hæredem, hæredeſve perveniret. Cic. Ver. 3.

Cenſus.] This word *Cenſus* doth ſometimes ſignifie all ſuch as have tendred the juſt valuation of their eſtate unto the Cenſors: and then *Incenſus* is oppoſite unto it; ſignifying ſuch an one as hath not tendred his eſtate or name to be regiſtred by the Cenſors. But in this place *Cenſus* is taken for ſuch a rich man, whoſe eſtate was in the Cenſors book valued at one hundred thouſand *Seſterces*. (*Vid. Aſconium in Verrem 3.*)

Supra quadrantem ſuorum bonorum.] That is, no woman ſhould be heir to more than one quarter of ſuch a rich mans goods. For the right conceiving of this, we muſt note with *n Latomus*, that the whole inheritance (were it never ſo great) was termed *As*, and that was divided into twelve parts, which the lawyers called *Uncie*: n Bar. Lat. in orat. pro Cæcinna.

Duæ unciæ dicebantur Sextans, tres Quadrans, quatuor Triens, quinq; Quincunx, ſex Semiſſes, ſeptem Septunx, octo Beſſis, novem Dodrans, decem Decunx, undecem Deunx, Totum As, ut dictum eſt. Again, every *Uncia* was divided into ſix parts, called *Sextulæ: Duæ ſextulæ Duellam, tres Semunciam faciunt.* So then according to the lawyers (as *o Alexander* obſerveth) if there were one heir alone inſtituted, he was termed *Heres in Aſſem totum inſtitutus:* if otherwiſe there were many co-heirs, then was it according as the Teſtator did appoint. Some were *ex Deunce hæredes*, that is heirs, to eleven parts of his goods, there being but one part beſtowed from him: ſome were *hæredes ex quadrante*, that is, heirs to one quarter of his goods: others were *hæredes ex ſemuncia*, that is, they had the four and twentieth part: others were *ſextula aſperſi*, that is, they had the threeſcore and twelfth part of the whole *As*, that is, of the whole inheritance, be it more or leſs, *&c.* Here we muſt underſtand that there is great difference between theſe two phraſes, *Inſtitui hæres in totum Aſſem, & ex toto Aſſe*; for all thoſe which we nominated *Heredes*, whether it were *ex Dodrante, Quadrante, vel ſemuncia*, or howſoever, yet were they termed *Hæredes ex toto Aſſe*, that is, they were not *Legatarii*, ſuch as received legacies. Now none can be ſaid *In totum Aſſem inſtitui*, but he which is the alone and ſole heir unto the whole.

o Alex. Gen. dier. l. 1. c. 1.

CAP. 16.
De uſu-capione.

Atinia lex.

Cic. Ver. 3.

Atinius made a law, that the plea of preſcription, or long poſſeſſion ſhould not avail in things that had been ſtoln, but the intereſt which the right owner had in thoſe ſtoln goods, ſhould remain perpetual. The words of the law are theſe: *Quod ſurreptum eſt, ejus rei æterna auctoritas eſſet.* Where by *p auctoritas* is meant *jus dominii.*

p Sig. de jur. Rom. l. 1. c. 13.

dominii. This crime of theft, as likewise of usury, was so odious unto the Romans, that whosoever was found guilty thereof, was condemned *q Lege quadrupli*, that is, to pay fourtimes as much: whence the informers against such were termed *Quadruplatores.* q F. Sylv. in Verrem. 1.

CAP. 17.

De Judicibus, & Judiciis.

Lex accusatoria.

Tully mentioneth a law termed *lex accusatoria*, which in truth was no law, neither was there any author thereof: But there was such a received custom amongst the Romans, that the accuser should object against the party accused, not only the present crime then questioned, but all other scapes and faults committed long before, to the bettering of his matter: that at length this accusatory custom became in manner of a law, and so was called *Lex accusatoria.* Vid. *Franc. Sylv. in orat. pro Mur.* Cic. pro Mur.

r Their custom also was to procure others to joyn with them in their accusations; those *s Tully* calleth *Subscriptores*, because they did subscribe unto the accusation. r Alex. Gen. dier. l. 3. c. 5. s Cic. pro Mur.

Lex Servilia & Sempronia.

Whereas *Sempronius* had preferred a law whereby he took away the authority of sitting in judgement from the Senators, and appropriated it to the Roman Gentlemen; *Q. Servilius Cepio* being Consul did afterward prefer another law, whereby the administration of judgement was divided between the Senators and the Gentlemen. Curio in orat. pro Scauro.

Rupilia lex.

Rupilia lex vetabat diebus triginta sortiri dicam. Here we must note with *t Sigonius*, that this law was of force only in the Province of *Sicilia*: also that it is one thing *scribere dicam*, that is, to enter an action: another *sortiri dicam*, that is, by lots to choose the Judges, which was thirty dayes after. Cic. in Ver. t Sig. de jur. prov. l. 2. c. 5.

Livia

Livia lex.

Cic. de orat. l. 3. Though by vertue of *Servilius* his law, the Senators were made capable of the office of a Judge, yet they were not thereby equally capable with the Roman Gentlemen: and therefore did *M. Livius Druſus* ordain, that the Judges ſhould be elected equally out of both Orders, namely, three hundred out of the Senate, and three hundred out of the Gentry.

Plautia lex.

Cic. pro Cornel. *M. Plautius Sylvanus* preferred a law, that the number of Judges ſhould be choſen, not only out of the Roman Senators and Gentlemen, but out of the Populacy alſo, namely, out of every Tribe fifteen Judges.

Aurelia lex.

Cic. in Verr. ſæpe. *L. Aurelius Cotta* being *Prætor* made a law, that the Judges ſhould be choſen out of the Senators, the Gentlemen, and thoſe Martial Treaſurers or Clerks of the Band called *Tribuni ærarii.*

Pompeia lex.

Cic in Piſon. *Cn. Pompeius Magnus* being Conſul, ordained that the Judges ſhould be elected out of the wealthieſt Centuries, tying the election notwithſtanding to theſe three degrees of people, namely, Senators, Gentlemen, and Martial Treaſurers; alſo he added that the number of Judges to examine cauſes ſhould be ſeventy and five.

Julia lex.

Cic. Phil. 1. *C. Julius Cæſar* ordained, that the election of Judges ſhould be out of the Senators and Gentlemen, only leaving out the Martial Treaſurers; and this *Tully* calleth *legem Judiciarium Cæſaris.*

Antonia lex.

Cic. Phil. 1. & 5. *M. Antonius tulit legem, ut tertia judicum decuria è Centurionibus, Antefignanis, Alaudis, Manipularibus fieret.*

Judicum decuriæ:] When the L. chief Juſtice had taken his oath, he choſe out ſome *ex certis ordinibus, non ex omni populo*, that is, out of ſuch degree and place, as the law required, to ſit in judgement on thoſe caſes which were

were termed *cauſæ publicæ*: and theſe Judges he afterward divided into leſſer numbers called *Decuriæ*. *Vid. Sig. de jur. Rom. l.* 2. *c.* 12.

E Centurionibus.] *Centuriones* were Captains over an hundred footmen.

Anteſignani.] This word *Anteſignanus* hath a double acception in the *Roman* Hiſtories. Sometimes *Anteſignani* do ſignifie the third part of the *Roman* Army: for all thoſe ſouldiers that fought before the banners or enſigns, as they were called *Haſtati* in reſpect of their weapon, ſo were they called *Anteſignani* in reſpect of their enſigns before which they fought. The ſecond part of the Army, as they were called *Principes* in reſpect of their proweſs and valour, ſo were they called *Subſignani*, as fighting under the enſigns. The third part, as they were called *Triarii*, becauſe they fought in the third, or rereward, ſo were they called *Poſtſignani*, as fighting behind the enſigns. Where we muſt not think, that thoſe which were called *Anteſignani* and *Subſignani*, were altogether deſtitute of enſigns among themſelves: (for every Maniple had his enſign) but the Eagle and other chief enſigns were carried by the *Subſignani*, and in reſpect had to them they had their names. And hence ariſeth the ſecond acception of this word, namely, that all thoſe ſouldiers of every Maniple, which ſtood in front before their enſign were called *Anteſignani*, and thoſe were commonly the beſt ſouldiers in the company. See for the ſeveral proofs of this, *Lipſ. milit. Rom. l.* 2. *dial.* 3.

Alaudæ.] *Jul. Cæſar* preſſed a legion of ſouldiers out of *Gallia Tranſalpina*, all which afterward he made free of *Rome*. This legion he called *Legionem Alaudarum*, from the form of their helmets, which did reſemble the head of the Lark, called in French *Alaude*. *Barthol. Latomus in Phil.* 1.

Manipularibus.] Thoſe Captains which governed a Maniple of Souldiers, were called *Manipulares*. *Fr. Maturantius in Phil.* 1.

Lex

Lex Cincia de donis & muneribus.

M. Cincius being Protector of the Commons, *M. Cornelius Cethegus* and *P. Sempronius Tuditanus* being Conſuls, preferred a law, that no man ſhould receive a gift or bribe from his Client for pleading his cauſe. Of this we read in *Plautus*, and he called it *Legem muneralem*: alſo in *Tully de Senect.*

Cornelia lex.

Cic. pro Cluentio. *L. Cornelius Sylla* preferred a law, that the chief Judge of the bench called *Judex Quæſtionis*, ſhould refer it unto the choice of the defendant, whether he would have judgement paſſed on him *Clam an Palam*, that is (as *Sylvius* obſerveth) either by voices or by tables.

Memmonia lex.

Cic. in Ver. This law (made by *Memnius*) provided, that no action ſhould be entred againſt thoſe who were imployed abroad in buſineſs for the Common-wealth. An addition unto this law was: that whoſoever ſhould *calumniari*, that is, forge an accuſation againſt another, a certain letter ſhould be burnt in his forehead in token of infamy. This law is ſometimes called *Lex Rhemnia*. Here we may with *u Fr. Sylvius* obſerve the difference of theſe three phraſes *Calumniari*, *Prævaricari*, & *Tergiverſari*. He which doth in his accuſation forge faults never committed, is ſaid *Calumniari*. He which undertaketh ones ſuit, and either will not urge reaſons in the behalf of his Client, or anſwer the objections of his adverſary when he is able, is ſaid *Prævaricari*, that is, to play the falſe Proctor. He which doth deſiſt in his accuſation and let his ſuit fall, is ſaid *Tergiverſari*.

Cic. pro Sext. Roſcio

u Fr. Sylv. in orat. pro Cluentio.

Lex incerta de Nexu.

Cic. pro Mur. *In iis rebus quæ mancipi ſunt, in periculum judicii præſtare debet, qui ſe nexu obligavit*, that is, if the buyer of any thing in that form of ſale called *Nexus*, be troubled in law, the ſeller thereof muſt ſecure him, and ſave him harmleſs.

x F. Sylv. in orat. pro Mur. *Mancipi ſunt* [x] Thoſe things were termed *res Mancipi*, which were alienated from the ſeller *Nexu*, that is, by ſuch

ſuch a form of ſale as followeth. The form was thus: At the leaſt five Witneſſes, all Roman Citizens, and of full age, beſides one called *Libri-pens* (from holding of a pair of ballances) ſhould be preſent, and the chapman or buyer ſhould come with a certain braſs coyn in his hand, and ſay, (for example ſake, if it were a bond-ſlave to be ſold) *Hunc ego hominem ex jure Quiritium meum eſſe aio, iſq; mihi emptus eſt hoc ære*, and forthwith ſtriking the ballance with the braſs coyn, he gave it to him that made the ſale. This kind of chaffering was termed *Nexus*, as we may ſuppoſe *a nectendo*, becauſe it did bind the ſeller to make good the ſale: *y* ſometimes it is called *Peræs & libram vinditio*, becauſe of the ceremonies uſed in it. *z* Now it is commonly called *Mancipatio*, a *a manus capione*, from taking that which is ſold into ones hands or poſſeſſion: whence the word *Mancipatus*, and *Mancipium* are uſed to ſignifie a bond-ſlave that is in this manner ſold, though ſometimes *Mancipium* doth ſignifie the ſale it ſelf: whence *Cic.* uſeth this phraſe, *Lex Mancipii*, to ſignifie a clauſe or condition put in the ſale. All things ſold after this manner were termed *Res Mancipi: b* the word *Mancipi* being a noun undeclinable, as *Frugi*, *Cordi*, *Hujuſmodi*, &c. and from this form of ſale, the mortgaging of land for the payment of mony may ſeem to be called *Mancipatio fiduciaria*; He which did thus receive the mortgage, or land in way of ſecurity, is ſaid *accipere fiduciam. Cic orat. pro L. Flacco.* Upon which place ſaith *Lambinus* in his annotations, *Accipere fiduciam, eſt fundum, aut aliam rem ſoli ſeu ut apellant immobilem, ab aliquo mancipare, ſeu accipere ea lege ut cum ille repetat ei remancipet.* We may conject the reaſon of theſe ballances, why they ſhould be uſed in this kind of bargaining, to be, becauſe in old time they did not bargain by paying coyned mony, which was termed *Æs ſignatum*, but by paying a certain weight of mony; whence ſuch mony was termed *Æs grave*; and hence it is that metaphorically we tranſlate *pendo* and *rependo* to pay and repay.

y Sylvs ibid.

z Melanct. in orat. pro Mur.

a Camerar. in orat. pro Mur.

b Priſcian lib. 3. vid. Fr. Sylv. in orat. pro Mur.

Alex. Gen. dier. l. 1. c. 15.

CAP. 18.
De Majestate.

Lex Varia.

Cic. pro Cornel. Q. *Varius Trib. pl.* made a law, that the *Prætores Quæstores*, should sit in judgement upon those, by whom the Allies or Associates had been moved to attempt war against the *Roman* people.

Julia Lex.

Cic. Phil. 1. *C. Jul. Cæsar* ordained, that such as were condemned of treason, or causing uproars in the Common-wealth, should be banished.

CAP. 19.
De Ambitu.

THose laws were termed *Leges de Ambitu*, which were made against indirect or unlawful courses used in canvasses for offices.

Fabia de ambitu.

This *Lex Fabia* restrained the number of those poor men, who because they they were wont to follow up and down, and all the day to attend such as did stand for offices, were thence called *Sectatores*.

Acilia Calpurnia.

Cic. pro Mur. *M. Acilius Glabrio*, and *C. Calpurnius Piso*, being Consuls, made a law, that such as were convinced of sinister and undirect means used in their canvasses, should be fined at a certain sum of mony set on their heads, and they should be made both uncapable of bearing office, and uneligible into a *Senators* place.

Senatus consultum de Ambitu.

Cic. pro Mur. *M. Tullius Cic.* and *C. Antonius* being Consuls, a certain decree was made by the *Senate*, that if such as did either salute or attend upon those which stood for offices, were hired by any manner of reward, or if any publick prizes were occasioned to be plaid; or any publick

ſick feaſts made by them, they ſhould be liable to the cenſure of *Calpurnius* his Law.

Tullia lex.

M. Tullius Cic. made a law, that no man ſtanding for an office ſhould cauſe any publick prize to be plaid, within two years that he either had ſtood, or ſhould ſtand for an office, unleſs the day had formerly been appointed by ſome will. *Item*, he ordained, that *Senators* being found to have uſed unlawful means, for the attaining of any office, ſhould ſuffer ten years exilement. And the Commonalty offending in that point, ſhould be puniſhed with an heavier puniſhment than the law made by *Calpurnius* laid on them. An addition unto this was, that if any being cited to this anſwer in the Court of their undirect means, *Si morbum excuſaret*, that is, If he did urge his ſickneſs for his not appearance, then ſhould he undergo a penalty. Cic. pro Sext.

Si morbum excuſaret.] So that *Tully* here ſeemeth to cut off that liberty, which the twelve tables permitted in theſe words, *Si judex altérve ex litigatoribus, morbo ſontico impediatur, judicii dies diffiſus eſto.*] *i. e.* If either Judge, Plaintiff or Defendant were ſick, they ſhould *diffindere diem, id eſt*, d *proferre & in aliud tempus rejicere*, prorogue the time of judgement. And unleſs ſome might think that by *morbus ſonticus* was meant ſome ſtrange diſeaſe, *Sigonius* inferreth, that every diſeaſe is termed *Sonticus*, which hindreth us in the performance of our buſineſs. *Sontes enim nocentes dicunt.* d Sig. de jud. l. 1. c. 28.

Licinia de Sodalitiis.

M. Licinius Craſſus being Conſul, perſwaded, *ut in Sodalitiis Judices ab accuſatore extribubus ederentur.*

Sodalitia.] In the latter times the *Romans* in their canvaſſes would gather together a certain company of their ſide or faction to follow them, terming them *Sodales*, and theſe *Sodales* would, as it were, by violence force the people to ſuffrage with them, whence the violence offered by them was termed *Sodalitia*, *Sig. de Jud. lib. 2. c. 30.* Cic. pro Planc.

Judices ab accuſatore ederentur ex tribubus.] We may read of three ſorts of Judges among the *Romans*, or rather of three divers kinds of elections of their Judges. For either they were, *Lecti ſortitione*; of which more may be ſeen in one of the laws following, or *Editione*, by nomination or naming them, the manner thereof being thus; That either the Plaintiff ſhould chooſe them all, and then were they called *Judices edititii*, or the Plaintiff ſhould chooſe one half, and the defendant the other, and then were they called *Judices alterni*. *Melanthon in Cic. pro Muræn.*

CAP. 20.

De pecuniis repetundis.

FIrſt touching the word *Repetundæ*, *Sigonius* ſaith, that ſuch mony tearmed *Pecuniæ repetundæ quæ poſſent repeti*, which might by the courſe of law be recovered. Namely, ſuch mony as any Magiſtrate, Judge, or publike Officer, did either in the Provinces, or in the City receive as a bribe, from the Allies and Aſſociates, or from the *Roman* Citizens for the adminiſtration of Juſtice, or the execution of any publick duty: and this kind of bribe they termed *Pecunias repetundas*, *pecuniam ablatam*, *captam*, *coactam*, *conciliatam*, *averſam* (*Cic. in Vrnis.*) But as it ſeemeth very probable theſe laws againſt bribery were firſt occaſioned, for the eaſe and relief of the *Roman* Provinces and Allies, called in Latine *Socii*, who were much abuſed in this kind by the Prov. *Conſuls*, *Prætors* and *Quæſtors*, &c. Whence *Tully* called this law againſt bribery, *Legem Socialem*. Here alſo may we note, that *d Tully* uſeth this phraſe, *Pecuniam occupare*, for *Fœnerari*, to put mony to uſe. *Occupare pecuniam eſt collocare*, *inquit Nonius*, *id eſt*, *Fœnori dare*. *Vid. Lambin. annot. in orat. pro L. Flacco.*

d Cic. in orat. pro L. Flacco.

Junia lex.

M. Junius Pennus Trib. Pl. preferred a law, that no ſuch as were convinced of bribery, *Præter litis æſtimationem exilium etiam damnato eſſet irrogatum.* Litis

Litis æstimationem.] Here we will consider the difference of three phrases, *Litis contestatio*, *Litis redemptio*, & *Litis æstimatio*. e The first signifieth the producing of witnesses when both sides shall openly in the Court use the form of words, *Testes estote*: which was not done, *antequam satisdationes factæ essent*, before Suretie, were put in, by the one, that he should *Judicatum solvere*, pay that which he was condemned: by the other, that he would *rem ratam habere*, that is, stand to the Verdict or Sentence in the Court. The second phrase signifieth a composition, or an argument agreed upon by both sides between themselves: f *Redimere lites est pactionem facere; qui enim paciscitur, facit ut lis non sit.* The third is when the party which is cast in the Suit is adjudged to pay the mony; or the worth of the goods called in question, together with the cost and damages in law unto his adversary. g *Litem æstimare est pecuniam, & qualis fuit, & propter quam condemnatus est reus, in summam redigere, quæ de bonis ejus redigatur.* h And *Æstimare litem est, quod vulgo dicitur, Taxare litis expensas.*

e Sig. de jud. l. 1. c. 17.

f Orat. pro Q. Roscio.

g Fr. Syl. in orat. pro Cluentio.

h I. Tistin. in orat. pro Rabirio.

Acilia lex.

M. Acilius Glabrio made a law, that such as were accused of bribery, *Neque ampliari, neque comperendinari possent*, that is, they must out of hand receive judgement.

For the right understanding of these two words [*Ampliari & Comperendinari*] we must consider the ancient customs and ceremonies used by the *Romans* in handling their suits of law. First, there was *In jus vocatio*, that is, a citation of one into the Court. Secondly, *postulatio*, that is, a request put up unto the *Prætor*, that it might be lawful for the Plaintiff to enter his Action against the Defendant; whence *Postulare aliquem de hoc vel illo crimine*, is to accuse one of this or that crime. Thirdly, *Nominis delatio*, that is, the Taking of the Defendants name into the Court-book: and this was termed, *Intendere actionem, vel Litem*; and *Diem alicui dicere*, that is, to Enter an Action against one. In the second of these Acts, namely,

namely, when requeſt was made by the Plaintiff unto the *Prætor*, that he might Enter his Action againſt the Defendant, then the Plaintiff did *Vadari reum*; that is, demand Sureties or Bale from the defendant, that he would appear upon the day appointed by the *Prætor*. And the Plaintiff did again, *Promittere vadimonium*, enter bond alſo for his own appearance upon the ſame day, which commonly was the third day following, called properly *Dies perendinus*, and ſometimes *dies tertius* ſimply, as it appeareth by thoſe capital letters. I. D. T. S. P. uſed to be written in their actions: which letters *i Probus* expoundeth thus; *In diem tertium, ſive perendinum.* So that then properly, *Lis vel reus dicitur comperendinari*, when the giving of Sentence is deferred till the third day. Moreover, before the *Prætor* would ſuffer the Action to be entred, he would ſwear the Plaintiff, that he did not accuſe the Defendant *calumninandi cauſa*, that is, falſly or maliciouſly, and this kind of ſwearing was termed *Calumniam jurare*, *calumniam dejurare*, and *In litem jurare*. Now if either party were abſent from the Court upon the third day, except he were ſick, he was caſt in his Suit, and the *Prætor* did grant an Execution called *Edictum peremptorium*, whereby he gave authority to his Adverſary to ſeize upon his goods. Sometimes there were two or three Edicts in manner of Proceſſes or Writs, before the *Edictum peremptorium* could be obtained; ſometimes it was granted at the firſt, and then was it called *unum pro omnibus*. Now if both parties came into the Court and did appear, then were they ſaid *ſe ſtitiſſe*: ſo that this word *ſiſto* among the Lawyers, did ſignifie to ſhew ones ſelf in the Court. Upon the third day the *Prætor* alſo with the whole Bench of Judges did meet, and the *Judex Queſtionis* (whom *Roſinus* maketh a diſtinct Officer differing from the *Prætor*) did cauſe all the *Selecti* Judges to pull out certain lots out of an urne or pitcher brought thither for that purpoſe, and thoſe Judges upon whom the lot fell, were to ſit in judgement:

i Sig. de jud. l. 1. c. 27.

k Sig. ejuſd. l. c. 28.

l Sig. ejuſd. l. cap. 21.

ment: This was called *Sortitio Judicum.* Now if either the Plaintiff or Defendant did ſuſpect any of thoſe that they would be partial, then might he except againſt them, and that was called *Judicum rejectio:* Then the *Judex queſtionis* would in manner aforeſaid chooſe other Judges in their places, and that was called *ſubſortitio.* Which being ended, thoſe Judges which were thus choſen, received every one of them from the *Prætor* three tables, the one having this letter A written in it, betokning *Abſolution:* whence *Tully* called it *literam ſalutarem*: The other having this letter C written in it, betokening *Condemnation:* The third having theſe two letters N L betokening *Non liquet.* After the receipt of the tables, then did the *Prætor mittere vel dimittere judices in conſilium*; that is, ſent them to caſt their tables into the urnes, there being three urnes or little coffers purpoſely provided; the one for thoſe Judges which were choſen out of the *Senators*, the other for thoſe that were choſen out of the Gentlemen, the third for thoſe that were choſen out of the *Martial* Treaſurers. Now if they did caſt the firſt ſort of tables into the urnes, then the *Prætor* pronounced the Defendant abſolved; if the ſecond, then he pronounced him condemned; if the third, then he pronounced *Amplius cognoſcendum*, that they muſt have longer time to enquire: And this is properly termed *Ampliatio*, a Reprieve, and in ſuch manner is ſaid, *quod lis vel reus dicitur Ampliari.* The proofs for this manner of proceeding in law may be collected out of *Roſinus lib. ant. 9. c. 19, 20. & 24.* and out of *Sigonius* according to the Marginal quotations. The like cuſtom ſeemeth to have been received alſo among the *Græcians*, who had three letters of their Alphabet, anſwerable to thoſe among the *Romans*; ⊙ was *damnationis ſymbolum*, which occaſioned that of *Perſius.*

Et potis es nigrum vitio præfigere Theta.

T a token of abſolution, A of ampliation. *Vid Eraſm. Adag.* ⊙ *præfigere.* Some as it appeareth by *Eraſm.* give a reaſon of ⊙, becauſe it reſembleth the heart of man wounded:

wounded in the midſt with a Dart, others becauſe it is the firſt letter of θάνατος, ſignifying death according to that,

Infælix multùm theta eſt mihi litera fælix.
Si Θάνατον ſcribit, ſcribit & illa Θεὸν.

Cornelius Cicero Cluentio.

Cornelius Sylla being *Dictator*, ordained a law that the chief Judge called *Judex quæſtionis* with the whole Bench of Judges, ſhould ſit upon life and death on ſuch as had killed a man; on ſuch as had with an evil intent ſet any place on fire: on ſuch as ſhould walk with any weapon either to kill or rob a man; on ſuch as had either made, bought, ſold, had, or given any poiſon, thereby to kill a man; or any Magiſtrate, whoſoever ſhould cauſe any conventicle or ſecret aſſemblies, or ſhould give their conſent to the ſuborning of any man to accuſe another falſely, that thereby he being innocent might be oppreſſed and condemned by publique judgement. Moreover *De ejus capite quærito, &c.* that is, Let them ſit upon life and death on that man, which ſhall bear falſe witneſs, that another might be condemned to death; on that Magiſtrate or chief Judge, which ſhall take a bribe to condemn another to death.

Parricidium.] This word doth properly ſignifie only a murthering of ones parents or kinſfolk, but in *Numa Pompilius* his time, it ſignified as much *homicidium*, that is, any man-ſlaughter whatſoever.

CAP. 21.

Lex. 12. *tabularum de vindiciis.*

SI qui in jure manum conſerunt, utrique ſuperſtitibus præſentibus vindicias ſumunto.

Si qui in jure.] Here we muſt note that the cuſtome among the *Romans* in old time was, that as often as any controverſie did ariſe touching the poſſeſſion of an houſe, a field, or any ſuch like thing, the *Prætor* did go unto the houſe, field, or the thing queſtioned, being accompanied

nied thither with the Plaintiff and the Defendant, together with others whom the law required to be preſent as witneſſes. This place, whatſoever it were, though in the open field, during the time that the *Prætor* ſate there to give judgement, was termed in Latine *Jus*, in Engliſh a *Court*. Where in the preſence of the *Prætor* and the witneſs, the Plaintiff and Defendant did *manum conſerere*, that is, as *m Cameratius* ſuppoſeth, argue and diſpute the caſe *pro* and *con* in a ſolemn form of words preſcribed them by the law. For this phraſe is borrowed by the Lawyers from the art military, where ſouldiers are ſaid *manum vel manu conſerere*, when they fight hand to hand, [*utri, ſuperſtitibus præſentibus*] that is, let both parties in the preſence of witneſſes (ſo *n Feſtus* expoundeth *ſuperſtites*) [*Vindicias ſumunto*] that is, let them take a turfe of the ground: for ſo *o Sigonius* expouudeth *Vindiciæ*: though properly (as he obſerveth) it ſignifieth the poſſeſſion of a thing, rather than the thing poſſeſſed. This turfe being taken up, was carried to the *Prætor*, and judgement was given upon that, as upon the whole. I do preſume that in other caſes, as in taking the poſſeſſion of an houſe, &c. ſome other thing in manner of the turfe was preſented unto the *Prætor*, upon which, as upon the whole he gave judgement. In proceſs of time, the *Prætor*, by reaſon of the tumult of other imployments, not finding convenient leiſure to review every particular ground, or houſe called in queſtion, *p* it was ordained contrary to the twelve tables, that the Plaintiff in ſuch caſes ſhould come into the Court, and challenge the Defendant in this form of words, *Ex jure manu conſertum te voco*, that is, I challenge thee to go out of the Court into the field, to uſe one towards the other that ſolemn form of words which the law injoyneth. Then did the Defendant either yield the poſſeſſion of the ground, or elſe did reply, *Unde tu me ex jure manu conſertum vocaſti, inde ibi ego te revoco.* Then did they both, taking witneſſes with them, without the company of the *Prætor*,

m I. Cometar. pro L. Muræn.

n Roſin. ant. l. 8. c. 29.

o Sig. de jud. l. 1. c. 21. Vindiciam ferre eſt ſententia decretoque rem obtinere dicebat. Vindicias judex ferebat, vindicias qui rem obtinebat. Turneb. adv. l. 13. 27

p A. Gel. noct. Attic. l. 20. c. 10.

inire viam, that is, go into the ground bringing back a turfe thereof, upon the which (as in manner ſhown) the *Prætor* gave judgement at their return.

For the better underſtanding of this that hath been ſpoken in the explanation of this law, we muſt note, that the action termed *Vindicatio*, was twofold: either the ſuit for the poſſeſſion of a thing, or the ſuit for the Lordſhip, or right owning thereof. The poſſeſſion of any thing was recovered, either by a true and real violence, or by a ſeeming violence: this ſeeming violence was twofold, either it was *manus conſertio*, which was ſhewn immediately before; or *moribus deductio*, that is a cuſtomary leading the unlawful *poſſeſſor* out of the ground, thereby to enter poſſeſſion. *Vis ſimulata, altera à lege, altera emanavit a moribus*, ſaith *q Sigon.* The firſt of theſe did ariſe from the *Roman* law, the other from a cuſtome among the *Romans*; the firſt of theſe is to be ſeen in *Tully* his Oration *pro Muræna*, the other *pro Cæcinna*: To theſe *Sigonius* addeth a third kind of ſeeming violence; which how juſtly he hath termed a violence, I ſhall leave to the indifferent judgement of the impartial Reader. The right of the Lordſhip, or owning any thing, was ſued for in this manner: The Plaintiff did queſtion with the Defendant thus; firſt, *an auctor eſſet?* that is, whether he had not covertly made away the poſſeſſion of the thing thereby to fruſtrate the action? Secondly, *An ſponderet?* that is, whether he would put in a gage of money into the Court, which he would forfeit if he were caſt; which being done the Plaintiff did alſo upon the demand of the Defendant put in a gage of money to be forfeited if he prevailed not in his ſuit. This gage of money was termed *r ſacramentum*, and in this ſenſe, *Tully pro Milone* ſaith, *Injuſtis vindiciis & ſacramentis alienos fundos petunt*, that is, they ſue for other mens grounds with unjuſt actions and gages of money. Thirdly, *An ſatisderet?* that is, whether he would put in ſurety, that during the trial in law, the ground or houſe called in queſtion ſhould not be impared? The

q De ind. lib. l. 1. c. 21.

r Sigon. de jur. l. 1. c. 21.

ſolemn

ſolemn form of words uſed in the firſt demand, is thus to be ſeen in ſ *Tully*, *Quando in jure te conſpicio, poſtulo anne fies auctor?* If the Defendant held his peace, then was he adjudged to pay all coſts and damage; if he profeſſed himſelf the preſent *poſſeſſor*, then did the Plaintiff proceed in manner as he ſhould for the poſſeſſion thereof; if he denied it, then did the *Prætor* ſay unto the Plaintiff, *Quando negat, ſacramento quærito*: Thereupon ſaith the Plaintiff to the Defendant, *Quando negas, te ſacramento quinquagenario provoco: ſpondeſne te ſoluturum quinquaginta aſſes, ſi auctor ſis?* to whom the Defendant replied, *ſpondeo quinquaginta aſſes, ſi auctor ſim: Tu vero ſpondeſne idem, ni ſim?* The Plaintiff anſwered, *Ego quoq; ſpondeo.* Now in this kind of ſtipulation, the Plaintiff was ſaid *ſponſione & ſacramento provocare, ſacramento rogare, quærere, & ſtipulari*, that is, to challenge one to pawn a ſum of mony for the tryal of a ſuit in law. The Defendant was ſaid, *contendere ex provocatione, contendere ſacramento, & reſtipulari*, that is, to be ſued in ſuch maner. This mony was termed *ſacramentum*,[t] becauſe when it was forfeited, it was beſtowed *in rebus ſacris & divinis*. Touching the laſt interrogatory, I read no ſet form of words, but by the word *ſatiſdatio*, the intelligent Reader may conject, that it did ſomewhat ſymbolize with our Engliſh cuſtom of putting in bail.[u] This putting in of bail was twofold. The one was *ſatiſdare judicatum ſolvi*, to bind himſelf to pay what ſhould be adjudged. The ſecond was *ſatiſdare rem ratam habere*, to become bound that he would ſtand to the verdict and judgement of the Court. The firſt of theſe bonds was required to be performed by the Defendant: the ſecond by the Plaintiff's Proctor or Attorney. But if the action were an action of debt, then the Proctors alone became bound; the Plaintiff's Proctor, that he would ſtand to the judgement; the Defendants Proctor, that the debt adjudged ſhould be paid.

ſ Cic. orat. pro Mur. & pro Cœcin.

t Sig. de jud. l. 1. c. 21.

u Sig. de jud. l. 1. c. 27.

LIB. IV.

Rites and Customs observed by the Romans *in their Wars.*

De Militia.

TOuching the art *Military* used among the Romans, it will not be impertinent to consider first how war was proclaimed, and peace established by them; then to march on to the description of their bands, or companies, where we may first observe the office of their chief Captain, and their subordinate leaders, together with the several Wards, into which the universal army was divided. After this we may descend unto the diversity of punishments used toward Captives, and likewise toward refractorious and disobedient souldiers: Adding a *Corollary* or *Period* to our whole discourse, the several rewards, which the L. General with his Souldiers after the performance of certain atchievements received.

CAP.

CAP. I.

De ritu, quem Romani, obſervarunt vel fœdus ferientes vel bellum inferentes; & de triplici ratione conſcribendi milites.

WE may remember that it hath been already ſhewn, that both the proclaiming of war and peace belonged unto a certain order of *Roman* Prieſts, called *Fœciales*, who by reaſon of their office, I Engliſhed *Heraulds at arms*. The rites and ceremonies which they uſed, when they proclaimed peace, were as followeth, *viz.* One of thoſe Heraulds having his commiſſion from the State (after that both ſides had agreed upon the truce and league now to be concluded) took up a ſtone in his hand, *a* uſing this ſolemn form of words: *Si rectè & ſine dolo malo hoc fœdus atq; hoc jusjurandum facio, dii mihi cuncta fœlicia preſtent; ſin aliter aut ego aut cogito (cæteris omnibus ſalvis) in propriis patriis, in propriis legibus, in propriis laribus, in propriis templis, in propriis ſepulchris ſolus ego peream, ut hic lapis è manibus decidet*, and therewithal he caſt the ſtone out of his hand: which manner of oath was termed *Jurare Jovem lapidem*, or *per Jovem lapidem*, that is, as it hath been rendred by *Feſtus* to ſwear by *Jupiter*, holding a ſtone in ones hand: *b* Many ſay that he did caſt that ſtone at an hog or porker brought thither purpoſely, adding theſe wods to the former; *Si prior populus Romanus defexit publico conſilio, tum ille Dieſpiter, populum Rom. ſic ferito, ut ego hunc porcum hodie feriam*: alluding to which cuſtom *Virgil* ſaith,

Et cæſa jungebant fœdera porca.

Polyb. vid.] Roſin. antiq. l. 10. c. 2.

Sig. de jure Ita l. 1. c. 1.

The manner of denouncing War hath been already ſhewn. The act of ſervice in war was termed *Mereri ſub hoc vel illo duce*, that is, to ſerve in War under this or that Captain; and whatſoever ſouldier was diſcharged of his ſervice, as having ſerved out his whole time, he was called *miles emeritus*, and by *c Tully*, ſuch a one is ſaid *ſtipendia*

c Orat. pro lege Manil.

d Serv. l. 2. & 7. Æneid.
e Lipſ. de milit. Rom. l. 1. dial. 8.

ſtipendia confeciſſe. *d* *Servius* hath obſerved that the *Roman* ſouldiers were preſſed three manner of ways: *per Sacramentum, Conjurationem & Evocationem.* But *e* *Lipſius* cenſureth him for the amiſs explanation of the laſt member. Therefore the indifferent Reader ſhall give me leave to borrow the terms from *Servius*,] but the explanation of them partly from *Servius*, and partly from *Lipſius* in the places now quoted. Ordinarily ſouldiers at their preſs, did each ſeverally take their oath not to forſake their Captain or Country; and this oath was called *Sacramentum militare*; the words thereof are rendred by *f* *Polybius* thus; *Obtemperaturus ſum, & facturus quicquid mandabitur ab imperatoribus, juxta vires*; and thoſe were termed *Milites per ſacramentum.* *g* This ſort of ſouldiers were upon appointed daies, as it were of publick Muſter, elected and choſen by the military *Tribunes* under the Conſuls; the aſſignment of the day did chiefly belong unto the Conſuls, at which time if any ſouldier withdrew himſelf, and did not appear, he was ſeverely puniſhed, ſometimes by impriſonment, ſometimes by confiſcation of his goods, ſometimes by being ſold for a bondſlave. Upon extraordinary occaſions (as when tumults or commotions did cauſe any ſuſpition of imminent danger) the chief leaders of the ſouldiers did go unto the Capitol, and bring forth two banners or flags, the one red, called therefore *Vexillum Roſeum*, unto which the footmen repaired; the other skie-coloured, called therefore *Cæruleum*, which the horſemen followed. The reaſon why the horſemens banner was skie-coloured, is rendred thus, becauſe it did moſt reſemble the colour, of the Sea, which colour they deemed moſt acceptable to *Neptune*, who was both the God of the Sea, and the firſt Author of Horſes. Now becauſe the ſudden danger would not yield ſo much time that they might ſeverally be ſworn, therefore did they take their oath in common altogether; only one chief ſouldier throughout a whole legion, took his oath at large, and in expreſs words, the

f Vid. Lipſ. de milit. Rom. l. 1. dia. 6
g Lipſ. de mil. Rom. l. 1. dial. 4

the *i* reſt followed in order one by one, ſaying, Κατὰ τὰ πρῶτα ὀμνύω, that is, that he ſwore the ſame as the firſt. If the Tribune diſtruſted his ſouldiers fidelity, then would he ſwear them every one ſeverally in terms at large, and thence were they called *Milites per conjurationem*; as likewiſe *Milites ſubitarii*, in reſpect of their ſudden preſs: The third member may alſo be admitted, if we with * *Lipſius* underſtand it in its true ſenſe; namely for thoſe ſouldiers, who by the L. General were added unto the Body of their Army, he having authority to call out ſuch other ſouldiers, who for their long ſervice were diſcharged from giving in their names at a muſter: And theſe are generally by all authors termed *Milites evocati*, and *Lipſius* deemed them all one with thoſe whom *Servius* calleth *Milites per evocationem*. The ſouldiers being thus preſſed, if they purpoſed to make war upon their enemies, then did the L. General ſummon them to prepare themſelves by a ſound of Trumpets: and this was termed *Claſſicum cane, à calando*, which ſignifieth to call. Which being done, a Scarlet banner was hanged out at the L. General his Pavilion, from which Ceremony I think that that common adage did firſt ariſe, *Conferre ſigna & Collatis ſignis pugnare*, to joyn battel. Immediately upon this they did *Garritum tollere*, make a great ſhout or noiſe with their voices, to the greater terror of their enemies; and that the noiſe might be the greater, they did *Arma concutere*, ruſtle together with their armour, and claſh their ſwords. Theſe four ceremonies are to be ſeen more at large in *k* *Lipſius*. Unto which we may add the fifth, obſerved by *l* *Fr. Sylvius*; namely, that at the removing of their Camp they did *conclamare vaſa*, give a great ſhout or cry, in token that the ſouldiers ſhould truſs up their bagg and baggage: and hence it is that *m* *Plautus* uſeth this phraſe, *Colligatis vaſis*, to ſignifie as much as *paratè* or *expedite*. Now that they might be the readier for the battle, they did gird (as I ſuppoſe) their ſouldiers coats cloſe unto them; and a ſouldier thus girt,

i Lipſ. de mil. l. 1. dial.

* Lipſ. de mil. Rom. l. 1. dial. 8.

k Lib. 4. de mil. Rom. dial. 11. & 12

l In ep. viror. illuſt. l. 4 ep. 1.

m Plaut. in Pſeudulo,

girt, was called *Cinctutus*, that is (saith *n Pighius*) *Cinctutus*. *o Inde distinctos ignavos, & militiæ minime aptos putarunt, Præcinctos vero fortes & strenuos.* Hence also is that proverbial speech, *In præcinctu stare*, or *vivere*, to be in a readiness continually:

Nunquàm ad morem discincti vivere Nattæ! Pers. Sat. 3.

n Pigh. in sua præf. ad l. 1. septim.

o Alex. Gen. dier. l. 1. c. 20.

CAP. 2.

De Legione, Auxiliis, & Legionis partibus.

THe *Roman* Forces were in old time divided into two several parts; namely, *in Legiones & Auxilia*, into Legions and Auxiliary Bands. The Auxiliary Bands were such as the neighbour and confederate Countries did send unto the *Romans*, The Legions were taken out of the body of the *Romans*, *p Legio à deligendo dicta est*, from the choice and selecting of souldiers. *q Romulus* is said to have been the first Author of these Legions, making every Legion to contain 3000. footmen, and three hundred horsemen, *r* one thousand footmen, and one hundred horsemen being taken out of each national Tribe. Afterward it was augmented by *Romulus* himself into four thousand footmen, *s* whence it was called *Quadrata Legio*. And in process of time a Legion increased unto the number of six thousand: which number it seldom or never exceeded (as it appeareth by *Sigon.* in the place now quoted.) Now *t* none could be ordinarily registred for a souldier until the seventeenth year of his age, *u* at which his first admission he was termed *Tyro*, a fresh-water souldier: and hence figuratively *Tyrocinium* hath not been translated only the first entrance into war, but also the initiation, or first entrance into any art or science whatsoever. After he had served many years, then was he termed *Veteranus*, an old beaten souldier. *x* The *Roman* legion was divided *in pedes & equites*, there being commonly for every thousand footmen an hundred horsemen. *Pedites distributi erant in Cohortes*, *Cohortes*

p Plut. in Romulo.

q Rosin. ant. l. 10 c. 4.

r Sig. de jur. Rom. l. 1 c. 14.

s Sigon. ib. d.

t Alex. Gen. dier. l. 1. c. 20.

u Pan. ir. l. rerum deperdit. c. de habit. & vest. veter.

x Sig. de jure Rom. l. 1. c. 15.

Cohortes in Manipulos; Manipuli in Centurias: Equites distributi erant in Turmas, Turmæ in Decurias. The word *Cohors* doth signifie that part of ground, which is commonly inclosed before the gate of an house, *y* which from the same word we call a *Court*: and *z Varro* giveth this reason of the *Metaphor*. As in a Farm-house (saith he) many out-buildings joyned together make one inclosure, so *Cohors* consisteth of several maniples joyned together in one body. It is manifest (saith *a Alexan.*) that the *Romans* in antient time did very seldom, yea never (except in great necessity) inroll into their universal army above four legions: and in an ordinary legion, which he termed *Legionem justam*, ten *Cohortes*: every *Cohors* containing three maniples, every maniple two Centuries, every Century an hundred souldiers, whence they from *Centum* were called *Centuria* a Century. *b* These Centuries were sometimes divided into lesser numbers call'd *Contubernia*, every *Contubernium* containing ten souldiers besides their Captain, *c* which was called *Decanus*, & *Caput contubernii*. Where we must observe, that *Contubernium* doth signifie as well the pavilion, or lodging it self, as the souldiers lodging therein, and it may be so called *quasi contubernium*, from *Taberna* signifying any sleight lodging made of boards. Those that ruled over a thousand footmen we may in English call *Serjeants-major*: they called them *Tribuni militum*. Those that governed over the Centuries were called by them *Centuriones*, by us in English *Centurions*, and they had their inferior officers under them which were called *Tergiductores*, or *Extremi agminis ductores*. *d* Their office was to oversee and look unto those of the camp which were sick, who commonly came behind the army *quasi extremum agmen, & tergum aciei*. The horsemen were divided into several troops called *Turmæ*; every *Turma* containing thirty horsemen. Again, every *Turma* was subdivided into three less companies called *Decuriæ*; every *Decuria* containing ten horsemen: whence their Captain was called *Decurio*, and the Captains over the greater troops, namely over the several

y Edmunds in his observ. upon Cæsars Comment. lib. 2. c. 3.
z Varro lib. 3. de re rustica.
a Alex. Gen. dier. l. 1.
b Varro vid. Rosin. ant. Rom. l. 10. c. 5.
c Rosin. ibid.
d Veget. vid. Rosin. ant. Rom. l. 10. c. 7.

several wings of the horsemen were called *Equitum Præfecti*. Now the chief Governour over the universal army was called commonly *Imperator*, we in English call him a L. General. His Lieutenant or L. Deputy was called *Legatus*, e who in old time was called *Non tam ad imperandum, quam ad consulendum Imperatori*. This word *Imperator* in the Roman histories hath a threefold acception; first, it is taken for him, who by commission from the State hath the managing of an Army, being the same that *Prætor* was in ancient time; and in this sense it hath affinity with the office of our L. General. Secondly, for such a L. General who by his Prowess having put *f* one thousand of his enemies to the sword, was both by his souldiers saluted, and by the Senate styled by the name of *Imperator*. But if he had slain less than one thousand, he was not thought worthy of this solemn salutation by that name. Lastly, it was taken for a Sovereign Prince, King, or Monarch, in which sense it was the *Prænomen* of all the Roman Emperors, from *Julius Cæsar* forward. Now because the souldiers in a legion must of necessity differ much in estate, age, and experience, some being wealthier, elder, and of more experience than others; hence was it requisite also, that there should be a distinction of places in their Armies, according to the desert and worth of each several person. We are therefore likewise to understand *g* that the Consuls every year made a general muster: at which time the military Tribunes chose out the youngest and poorest of all the rest, and called them by the name of *Velites*. Their place in regard of other souldiers was base and dishonourable, not only because they fought afar off, and were lightly armed; but also because they were commonly exposed to their enemies as forlorn hopes. According to *h* *Lipsius*, these *Velites* were commonly placed either *In Fronte*, *Viis*, or *Cornibus*. 1. In the front of the Army. Secondly, in the distances, or spaces between the several maniples. 3. *In Cornibus*, that is, in the wings of the battel; not that the wings at any

e Lipſ. de mil. Rom. l. 2. dial. 10.

f Barth. Latom. in Phil. orat. 14.

g Lipſ. de mil. Rom. l. 1. di. 3.

h Lipſ. de mil. Rom. lib. 4. dial. 3.

any time consisted of those *Velites*, for that was the *Socii* and Auxiliary forces; but either the spaces in the wings were filled up by those *Velites*, or else they might obtain a promiscuous place amongst those forrainers. Notwithstanding they did like scouts run to and fro casting out their darts (as occasion was offered) and so retire: whence when a man doth leap from one thing to another in his talk, we say he doth *Agere velitatim*. Having chosen out a competent number of these scouts, they proceeded to the choise of them which they called *Hastati*, that is, Pikemen: forasmuch as they fought with a kind of javelin, which the Romans called *Hasta*. These Pikemen fought in the first part, or fore-front of the main army. The third choice which they made was of the strongest and highest-bodyed men, who for the prime of their age were called *Principes*: and hence was the second place or ward in the main army called *Principia*, according to *i Thraso* his speech, *Ego ero post Principia*, that is, I will follow the *Principes*; thereby chusing to himself the best and safest place. The last sort of souldiers, which stood in the third place or ward, were called *Triarii*. They were of all the most approved, and the very last help or refuge; so that if they failed, all was lost: and hence ariseth that form of speech, *Ad Triarios ventum est*, *k* whereby we signifie that a thing is come to the last push. As I suppose, the weapon wherewith these *Triarii* fought, was a dart with Iron fastned at the end of it called in Latine *Pilum*. The reasons of this my conjecture are these, 1. Because the first Century of these *Triarii* was called *Primum pilum*, and their Centurion *Primopilus*, and *Primipulus*, and *Primus centurio*, because he was the chief Centurion in a whole legion, as having the charge of the chief banner called the *Eagle*; *l* whence *Aquila* is sometimes used to signifie *Primopilatum*, the office and place of the *Primopilus*. The second Century was called *Secundum pilum*, and their Centurion *Secundi pilus*, &c. Secondly, they called the *Principes*, which marched in the

i Teren. Eun. Act. 4. Scen. 7.

k Alex. Gen. dier. l. 5. c. 15.

l Lips. de mil. Rom. l. 2. dial. 1.

battle immediately before theſe *Triarii*, *Antepilanos*: which argueth that thoſe ſouldiers which followed next, ſhould be the *Milites pilanos*, and by conſequenee their weapon ſhould be that kind of dart which they called *pilum*. Their manner of embatling was divers. Sometimes they would make a winged army, ſo that the main body thereof ſhould be in the middle, and on each ſide a leſſer company: the main body we in engliſh call the *Vaunt-guard*, and the two leſſer companies, we call *Wings*, as likewiſe in latine they call them *Alæ aciei, & dextrum vel ſiniſtrum eorum*. *m Pancirol.* calleth them *Vexillationes*, becauſe there fought no more in either wing than belonged to one banner called in Latine *vexillum*. The governors of theſe wings he calls *Alarum præfectos*. Sometimes they embattled, ſo that the forefront of the army being ſmall, it was inlarged bigger and bigger backward, in manner of a triangle: By *n Lipſius* it is demonſtrated unto us under the form of the Greek letter Δ. He in the ſame place calleth it *caput porcinum quia velut fodit, & ruit invadendo*. Commonly it is called, *Cuneus militum*, the *Metaphor* being borrowed not only from the reſemblance it had with a wedg, but that alſo from the uſe of a wedg: for they never embattled in that form, unleſs it was to break through their enemies, the piercing angle being thick compacted with targets. Sometimes they did in a quite contrary manner, inlarge their army in the forefront, making it to end in an angle: and *o* this they called *forfex*, and *forceps militum*. Sometimes their form of embattling was circular, and that it was called *Orbis vel globus militum*. The banner or flag was properly called *Vexillum*, being a dimunitive of *Velum*. It was alſo called *p Bandum*: whence we do at this day call ſo many ſouldiers, as do fight *ſub eodem bando*, a band of ſouldiers: as *Romulus* called thoſe that fought *ſub eodem manipulo fœni* (an handfull of hay being uſed at that time inſtead of a flag) *Manipulum militum*: *Ovid*,

Percita ſuſpenſos portabat longa maniplos,
Unde maniplaris nomina miles habet,

* *Suidas*

m Pancir. in not. orient. & occident. imper. c. 31.

n Lipſ. de mil. Rom. l. 4. dial. 7.

o Lipſ. ibid.

p Feſtus vid. Pancir. in not. orient. & occident. imper. cap. 32.

* *Suidas* is plain, Βάνδον καλοῦσι Ρωμαῖοι τὸ σημεῖον τὸ ἐν πολέμῳ, that is, the Romans called their military ensign a *Band:* hence others have used Βανδοφόρος to signifie as much as *Signifer*, an Antient bearer. * Suid. in voce βάνδον.

CAP. 3.

De oppugnatione urbis, & iis quæ ad oppugnationem requiruntur.

IF the siege of a town seemed difficult and hard to compass, then did the Romans use certain means of policy, for the better effecting thereof. They environed the town with a broad and deep ditch, adding thereunto a rampire, fortified with many Castles and Fortresses; whereby they both kept the town from any forraign succour, and withall secured themselves from sallies, and other stratagems. This rampire did extend it self towards the walls of the City, so that by making (as it were) a great hill, they might overtop the City, and fight with the greater advantage. Now that this greater heap of earth might become firm, and well able to support the buildings to be erected upon it, they did cast in much timber, and stones amongst the earth; and this heap of earth, stones, and timber whence it was reared, and properly called *Agger*, whence cometh both the latine verb *Exaggerare*, and the english to *Exaggerate*, that is, to amplifie or encrease a matter. The stakes, posts, and trees, which were rammed in about this bulwark, or rampire, to uphold the earth, were sometimes called *q Cervi*, because of their forked and sharp tops, but more properly *r Valli* and *Vallæ*. The distance or space between each stake, was called *Intervallum*; though now *Intervallum* doth signifie not only such a distance, but any distance either of space or time, as it appeareth by that of *Tully*, *ſ Intervallo locorum, & temporum disjuncti*. Sometimes *Vallus* doth signifie a pole or stake, whereunto vines are tied, according to that received adage which we use when a special friend forsaketh one, *Vallus vitem decepit*. From the first signification it

q Lipſ. Pol. l. 2. dial. 2.
r Serv. Æn. l. 10.
ſ Cic. ep. fam. l. 1. ep. 7.

it is, that *Vallum* doth often signifie the inclosure, or hedging in of trees and stakes, wherewith the bulwark is upheld; alluding whereunto *t A. Gellius* translateth ἔρκος ὀδόντων *Valium dentium.* The means of their defence, whilest they were making this their rampire, was a certain engine or ordnance of war *u* made of planks and hurdles running upon wheels, under which they might rest secure from all stones and darts cast from the walls of the City: it was called *Vinea.* A second engine was *Musculus*: The matter whereof it was made I have not read; but the use of it was, that under it the souldiers might approach unto the walls of the City, and undermine them. Thus much *x Lipsius* seemeth to infer, when he rendreth the reason of the name: *Musculus ideo dictus, quia instar ejus animalculi foderunt sub eo terram.* A third means of their defence was *Militaris testudo.* This word *testudo* in the art Military, had a double acception, both being borrowed from the resemblance of the Tortoise-shell, which is the true and genuine signification of this word. In the first acception *Testudo y* doth signifie a warlike engine or fence made with boards covered over with raw hides, which served against fire and stones cast at the souldiers; under this they might safely assail the walls. *z* In the second acception it signified a Target-fence, which was a close holding together of Targets over head like a vault or roof, wherewith the footmen did defend themselves from the thick shot of arrows, or slinging of stones. Their rampire or countermure being finished, they used certain great timber Towers made upon wheels to run to and fro, which they called *Turres ambulatoriæ*, moveable Turrets. These Towers had many stories one over the other, *a* wherein they carried ladders and casting bridges, thereby to scale the walls. The engines hitherto have been defensive, such wherewith the Romans defended themselves in their siege: others there were offensive, wherewith they did assail the City; and of those the chief were *Balista sive Catapulta, Scorpius sive Onager, Aries,* &c.

t A. Gel. noct. Attic. l. 1. 15.

u Rosin. ant. Rom. l. 10.

x Lips. Polier. l. 1. dial. 9.

y Rosin. ant. R. l. 10. c. 16.

z Stad. in Flo. l. 4. c. 10.

a Rosin. ant. Rom. l. 10. c. 16.

& Mulleoli. The first of these engines, as it was called *Balista* ἀπὸ τῦ βάλλειν, from darting, or casting forth any thing, *b* so it was in old time called *Catapulta*, ἀπὸ τῦ πάλλειν which signifieth a shaft or dart; though it cannot be denied, but that *Pelta* doth also signifie a kind of shield made in the form of an half moon, according to that of *Virg. Æn. l.* 1.

Ducit Amazonidum lunatis agmina peltis,
Penthesilea furens———

The form thereof followeth, translated word for word out of *c Marcellinus.* (Between two plancks there is set in firam and fast joyned a strong and big Iron, reaching out in length after the manner of a good great rule; out of the round body whereof, which is artificially wrought, there sheth forth farther out a four square beam, made hollow with a direct passage in manner of a narrow trough, tied fast with many cords of sinews twisted one within the other, and thereunto are joyned two wooden skrews: near unto one of which standeth the cunning Bastster, and subtilly putteth into the hollow passage of the beam a wooden shaft, with a big head glewed fast to it. This done, on both sides two lusty young men do bend the engine by turning about certain wheels: When the top of the head is drawn to the uttermost end of the cords, the shaft being carried forth of the Balista, by the inward force thereof, it flieth out of sight.) That the reader may receive the more light in the understanding of this obscure description, I have added the very words of *Marcellinus.* [*Ferrum inter axiculos duos firmum compaginatur & vastum, in modum regulæ majoris extentum; cujus ex volumine teretis, quod in medio ars polita componit, quadratus eminet stylus extensius recto canalis anguisti meatu cavatus, & hæc multiplici chorda nervorum tortilium illigatus, eique cochlea duo lignea conjunguntur aptissimè, quarum prope unam adsistit artifex contemplabilis, & subtiliter adponit in temonis cavamine sagittam ligneam, spiculo majore conglutinatam, hocque facto hinc inde validi juvenes versant agiliter rotabilem flexum. Quum ad extremitatem nervorum acumen venerit*

b Lipsi. pol. l. 2 dial. 2.

c Alm. Marc. l. 23. c. 3.

rit ſummum, percita interna pulſu à baliſta ex oculis evolat. In reſpect of its uſe we may Engliſh it a *Croſs-bow*: but it was much bigger, and of a different form. The *Scorpion*, which now they call *Onager*, is deſcribed by *Marcellinus* in the ſame place thus. Two Oaken or Elm beams were hewn out, and ſomewhat bended, ſo that they ſeemed to bunch out in backs; and theſe in manner of a * ſaw engine are tied faſt together, being bored through with wide holes, through which (by the means of thoſe holes) ſtrong cords are tied, keeping in the whole frame that it ſtart not aſunder: * From between thoſe bunches another wooden beam reaching forth overthwart, and in a manner of a wain-beam erected up, is tyed with ſuch devices unto certain ropes, that it may be pulled up higher, or let down lower at ones pleaſure; and at the top thereof certain iron hooks are faſtned, from which hooks there hanged down a certain ſling either of Iron or Tow; under which erected beam, there lieth a great peice of hair-cloath, full of ſmall chaff, tyed faſt with cords, and placed upon a bank of turfs, or a heap of bricks. When therefore it cometh to the point of skirmiſh, a round ſtone being put into the ſling, four young men on one ſide looſing the beams, into which the ropes are incorporated, to draw back the erected beam unto the hook. Thus at length the maſter of the engine ſtanding in ſome high place giving a mighty ſtroak with a hammer (and as I ſuppoſe upon the cord, whereunto the erected beam was faſtned with his hook) ſetteth open the rails that contain the whole work, inſomuch that this erected beam being now at liberty with that quick ſtroak, and hitting againſt the ſoft hair-cloath, it hurleth out the ſtone, that will batter whatſoever is in the way. And it is called *Tormentum, quod ex eo omnis explicatio torquebatur.* It is alſo called *Scorpio*, becauſe when the long beam or pillar is erected, it hath a ſharp top, in manner of a ſting. The modern time hath impoſed unto it the name of *Onager*, that is a wild Aſs, becauſe that wild Aſſes, when they

* Machinæ Serratoriæ.

* Ab hac medietate teſtium) Here we muſt note, that this ſignification of teſtes is borrowed from the Anatomiſts, which do call certain eminent parts behind φαλλὸν ὀπίσω Teſtes. Vid. Fuchſ. inſtit. med. l. 1. Sec. 5.

they are courſed by hunters, fling back ſtones with their heels afar off, ſo that oftentimes they pierce the breaſts of them that follow them. The Latine word is made from the Greek ὄιος, *i. e. Aſinus & ἀγρὸς, rus vel ager.* Now if any ask me, why that ſackcloth, or aſhes was interpoſed, the reaſon is rendred by *Marcellinus*, in two lines, which I purpoſely did not tranſlate in their place, becauſe I would continue the ſenſe without ſuch a long *parenthesis*. The reaſon is there delivered thus; becauſe the violence and force of the erected beam recoiling, after it had been by the ſtroke diſcharged, was ſuch, that it would ſhake in pieces the ſtrongeſt walls, except there were ſome ſoft thing interpoſed, whereby the forcible ſtrength of the recoil might be by degrees ſlaked. The *Aries*, or Ram, is deſcribed alſo by *Marcellinus* in the ſame place. [The Ram was a great tree or beam, *like unto a maſt of a ſhip*, having a piece of iron, in manner of a Rams head, faſtned at the end thereof, therewith they did demoliſh and batter down the walls of a City. It was hung unto a beam, which lay acroſs over a couple of pillars, and hanging thus equally ballanced, it was by force of men pulled backward, and then recoiled upon the walls] The Rams which *Titus* uſed at the ſiege of *Hieruſalem*, ran upon wheels: which kind of Rams are deſcribed by *Joſephus*. There be, ſaith he, other manner of engines, as an iron Ram upon four wheels bound with iron, and faſtned with iron nails, to this they make four feet anſwerable to the bigneſs of the beam, and every beam hath his ſeveral wheel, and when they will batter the wall, certain men firſt pulling it back, they recoil it by the help of four wooden leavers put in the hinder part thereof for that purpoſe. The head of this Ram hath no horns, but is blunt, made of the ſtrongeſt kind of iron, with a wonderful thick neck. They have alſo of both ſides of the Ram a pentice of wood for the ſafeguard of thoſe that recoil it. *Joſephus Ben. Gorion de bello Judaico.* In lieu of theſe Rams another engine was found out, call'd *Helepolis, ab inuſitato*

ἴλω, that is, *capio*, and πόλις, that is, *civitas*: The form of it is to be seen also in *Marcel. ibid.* [There was (saith he) a *Testudo*, or valted frame made, strengthned with very long pieces of timber: it was covered over with Oxe hides, and green wicker hurdles, the upper part or convex surface thereof was overlaid with mud, to the end that it might keep off the fall of fire and casting of weapons. Now there were fastned in the front of it certain *Cuspides trisulcæ*, that is, iron pikes with three edges, very massie, in manner of the thunder-bolts, which painters, and Poets, exhibit unto us: this great engine the Souldiers ruling within with divers wheels and ropes, with main force they thrust it against the walls. [*Malleoli* (saith the same *Marcellinus*) were certain darts, fashioned on this manner; there was an arrow made of a cane, betwixt the head and the neck whereof was fastned an iron full of clefts; which arrow, like unto a womans distaff, on which linnen is spinned, was finely made hollow within the bellow, yet open in many places: In the belly it received fire, with fuel to feed upon; and thus being gently discharged out of a weak bow (for with an overstrong shooting the fire was extinguished) if it took fast hold on any place, it burned the same; and water being cast thereon, the fire increased, neither was there any means to quench it, but by casting dust on it.] Now if they could not prevail by these engines call'd *Machinæ*, then did they make certain passages under ground which they called *Cuniculi*, from *Cuniculus*, signifying a cony-berry; insomuch that these two phrases are opposite, *Machinis*, and *Cuniculis oppugnare* as it appeareth by that of *d Plutarch*, *Cæsar non jam cuniculis sed machinis tollit rempublicam*, that is, He doth not now covertly, but with open violence assault the common-weal.

d Plutar. in vit. C. Cæs.

CAP.

CAP. 4.
De Pœnis in Hostis devictos.

ALbeit, after the victory, the *Romans* inflicted divers degrees of punishment, according to the malice found in an enemy, yet were they alwaies compassionate and (as Histories testifie) more exorable than any other Nation. The punishments which we find them to have used towards a conquered Nation are these: Either they punished them by death, or sold them *sub corona*, or dismissed them *sub jugum*, or mercied them in taking away their territories; or made them tributary States. *e* An enemy was said to be sold *sub corona*, when he being plac'd in the market-place, a crown was put upon his head in token of such a sale: or therefore certain captives were said to be sold *sub corona*, because at such times they were environed about with souldiers, to keep them together, and this circle of souldiers, as likewise all other companies is called *Corona*. When they dismissed any *sub jugum*, *f* they erected two spears, with a third lying a cross, in manner of a gallows: then they caused them being disarmed, and their belt taken away, to pass under in token of bondage. When their territories were taken from them, they were commonly conferred upon old beaten souldiers, in way of remuneration for their faithful service. This transplantation was termed *Coloniæ deductio*; and the place ever after *Romana colonia*, that is, a Roman Colony: at which times they chose out every tenth man, *viz.* such as were able, and of best sufficiency, to make and establish a publick council, *g* whom they named *Decuriones*. Whence we may observe, that *Decurio* is not alwaies taken for a Captain over ten horsemen, but sometimes, it is used to signifie an *Alderman*, a chief Burgess in a Roman Colony. These Colonies were of two sorts, some called *Coloniæ Latinæ*; others *Italicæ*. The Latine Colonies had *Jus civitatis suffragii, & Magistratus capiendi*,

e A. Gel. 7. c. 4.

f Stad. in Flor. l. 1. c. 12.

g Sig. de jur. Ital. l. 2. c. 4.

di si in sua Colonia magistratum gessissent. Italicis autem, Jus civitatis & suffragii nullum erat, immunes tamen erant, nec tributum aut stipendium pendebant, ut provinciæ solebant. Turneb. adverss. l. 1. *c.* 11. Divers times the *Romans* would be content after the conquest to grant to their enemies a peaceable injoying of their lands and possessions, conditionally, that they would yield all faithful allegiance unto the L. Deputy, whosoever the *Senate* of *Rome* should place over them. The L. Deputy was either stiled by the name of a *Prætor*, a *Proconsul*, or a *Præfectus* Those places were the two first sorts of governors did rule, were termed *Provinciæ*; the other from the governor was termed *Præfectura*. Where we must observe that this word *Provincia* had a threefold acception. First it is taken for a Country, which by the force and power of arms is subdued to the *Roman* Empire, and governed by some *Roman* Deputy sent from the Senate; and this is the proper and primitive signification thereof, it being so called, *h Quod populus Rom. eam provicit, id est, ante vicit*. Secondly, it is taken for any region or Country, where the L. Gen. or chief Captain over a *Roman* Army doth mannage war against any Nation by commission from the Senate. Lastly, it signifieth any publick function, or administration of office, yea any private duty, charge, or task, either undertaken or imposed; according to that of *i Terence*, *Provinciam cepisti duram*, that is, thou hast undertaken an hard task. Now the tribute to be paid, was either certain or uncertain. The certain was properly called *Tributum, vel Stipendium*, and those who paid it were termed *Tributarii sive Stipendiarii*, and this Tribute was of two sorts, either ordinary, such as was required from every house yearly, even in the time of peace; or extraordinary, such as was levyed by a law, or decree of the Senate towards unexpected charges. The uncertain tribute *k* properly called *Vectigal*, was either impost-money, such as was collected in haven towns for the transportation of Merchants wares, and that was called from *Portus*

h Pigh. lib. Tyrannis.

i Terent. in Phor.

k Sig. de jur. Rom. l. 1. c. 16.

Portus, *Portorium*, or from *Porta Portarium*, and the receivers thereof *Portitores*. The wares, after the impost-mony had been paid, were sealed by the *Publicans*, with a certain kind of tempered chalk: and this is that which *Cicero* understandeth by *Asiatica creta*, *orat. pro Flacco*: or tythe corn, namely the tenth part of their grain; and that was call'd from *Decem*, *Decumæ*, and the receivers thereof *Decumani*, though *Decumanus* when it is an adjective, signifieth as much as *Maximus*, according to that of *Ovid. lib. de Trist.* [l] Scadius in Flor. l. 1. c. 13.

Qui venit hic fluctus, fluctus supereminet omnes;
Posterior nono est, undecimoque prior.

The reason of this signification is [m] supposed to be, becaus in *Arithmetick*, amongst simple numbers the tenth is the greatest: or lastly, that mony which was paid by certain herdsmen for pasturing their cattel in the *Roman* fields and forrests: This kind of tribute was called *Scriptura*, and the pastures *Agri Scripturarii*; because (as [n] *Festus* saith) the Bayliff or receiver of this money, called *Pecuarius*, did *Scribendo conficere rationes*, that is, keep his account by writing: where we must note, first, that all these kinds of Tributes were not only required in Provinces, or Countries subdu'd; but throughout *Italy*, even in *Rome* it self. Secondly, though each collector of these Tributes was distinguished by a peculiar name; yet by a general name they were all called [o] *Publicani*, in as much as they did take to rent these publick tributes. The chief of them which entred into bond, as the principal takers or farmers of these tributes, *Tully* calleth *Mancipes*. The others, which were entred into the same bond as sureties, were termed *Prædes*. Many times the *Romans* did bestow the freedom of their City upon forreign Countries, and the degrees of freedom were proportioned accordingly as the Countries were. Some they honoured with the name of *Roman* Citizens, but excluded them from the right of suffraging, leaving them also to be governed by their own Laws and Magistrates.

[m] Fr. Sylv. in viror. illust. ep. 2. lib. 1.

[n] Sig. de jure Rom. l. c. 4.

[o] Cic. de Arusp. respons. & alias sæpe.

This

This ſtate they called a *Municipal* ſtate, in Latine *Municipium*, becauſe they were *Muneris hujus honorarii participes*. *p* By *Munus honorarium* in this place, is underſtood nothing but the title of a Roman Citizen, whereby they were priviledged to fight in a legion as free Deniſons, not in an Auxiliary band, as the aſſociates. Now the firſt that ever obtained this Municipal ſtate, were the *Cerites*, who for preſerving the holy things of *Rome* in the time of the war againſt the *Gaules*, were rewarded with the freedom of the City, but without power of ſuffraging. *q* From whence it is that thoſe tables wherein the *Cenſors* inrolled ſuch as were by them deprived of their voices were called *Cerites tabulæ*, *Horace* calleth ſuch a table, *Ceritem ceram*, for the reaſon ſhewn before. But we muſt withall obſerve, that ſome Municipal towns have either by deſert or inſtant ſuit obtained the liberty of ſuffraging alſo, which occaſioneth that received diſtinction, that there was *Municipium ſine ſuffragio*, & *Municipium cum ſuffragio*. Other Countries which could not be admitted into the freedom of the City, have obtained, and that not without ſpecial and deſerved reſpects, to be aſſociates and confederates unto the ſtate of *Rome*. The inhabitants of ſuch countries were ſometimes called *Socii*, ſometimes *Amici*, ſometimes *Latini nominis ſocii*, &c. The King or Prince of ſuch a country did ſtyle himſelf *Amicus & Socius Senat. & Pop. Rom.* Here we muſt obſerve a difference between *Pactio* and *Fœdus*, both ſignifying a kind of league. That truce which in time of war is concluded upon, and accepted of both ſides for a certain *r* limited ſpace of time is properly called *Pactio*; we commonly call it *Induciæ*, and it differed from *Fœdus* *ſ* Firſt becauſe that *Fœdus* is a perpetual truce or league. Secondly becauſe it was neceſſary that one of thoſe Heraulds at arms called *Fœciales*, ſhould by a ſolemn proclamation confirm this league called *Fœdus*, neither of which conditions was abſolutely requiſite in their truce termed *Pactio*.

p A. Gel. noct. Attic. l. 16. c. 13.

q A. Gel. ib.

r Sig. de jur. Ital. l. 1. c. 1.

ſ Sigon. ib.

CAP.

CAP. 5.

Mulctæ militares, quibus milites Romani ob delicta afficiebantur.

TOuching the puniſhments that the Roman L. General uſed towards his own ſouldiers, when they were faulty, they were commonly proportioned unto the fault committed: ſometimes they were eaſie, of which ſort were alſo thoſe puniſhments which did only brand the ſouldiers with diſgrace: othertimes they were heavier, ſuch as did hurt and afflict the body. To the firſt ſort belonged theſe: Firſt *ignominioſa dimiſſio*, i. e. a ſhameful diſcharging of a ſouldier, when he is with diſgrace removed from the army. Secondly *Fraudatio ſtipendii*, i. e. a ſtopping of their pay: and ſuch ſouldiers which ſuffered this kind of mulct, were ſaid to be *ære diruti*, † becauſe *Æs illud diruebatur in fiſcum, non in militis ſæculum*. Thirdly, *Cenſio haſtaria*, whereby the ſouldier was injoyned to reſign and give up his ſpear: for as thoſe which had atchieved any noble act, were for their greater honour *Haſta pura donati*, ſo others for their greater diſgrace were forced to reſign up their ſpear. Fourthly, the whole *Cohors*, which had loſt their banners, were compelled to eat nothing but barly bread, being deprived of their allowance in wheat: and every Centurion in that *Cohors* had his ſouldiers belt or girdle taken from him, which was no leſs diſgrace among them, than it is now amongſt us, that a Knight of our order of the Garter, ſhould be deprived of his Garter. Fifthly, for petty faults they made them ſtand bare footed before the L. Gen. his pavilion, with long poles of ten foot length in their hands: and ſometimes in the ſight of the other ſouldiers to walk up and down with turfs on their necks. In the laſt of theſe they ſeemed to imitate their City diſcipline, whereby malefactors were injoyn'd to take a certain beam, reſembling a fork, upon their ſhoulder, and ſo to carry it round about the town; it hath ſome affinity with our carting of queans here in *England*: in the firſt we have

† Roſin. ant. l. 10. c. 25.

no

no cuſtom that doth more ſymbolize, than the ſtanding in a white ſheet in the open view of a congregation. The laſt of their leſſer puniſhments, was the opening of a vein, or letting them blood in one of their armes: *t* which kind of puniſhment was uſed towards thoſe alone, which (as they conceited, through the abundance of their hot blood) were too adventurous and bold. The heavier kinds of puniſhment were theſe; 1. *Virgis, vel fuſte cædi*, to be beaten with rods, or with ſtaves and cudgels. None were ordinarily beaten with cudgels, but thoſe who had not diſcharged their office, in the ſending about that table, called *Teſſera*, wherein the watch-word was written; or that had forſaken their place, where they were appointed to keep watch; or thoſe who had ſtollen any thing from out the camp; or born falſe witneſs againſt their fellows, or abuſed their bodies by women: or laſtly, that had been puniſhed thrice for the ſame fault: thoſe which were in this manner cudgelled, were often killed in the place, but if they eſcaped alive, they went to live in perpetual exilement. The ceremony uſed in this kind of cudgelling was, that the *u* Knight Martial ſhould lightly touch the party to be puniſhed with a club, which being done, all the ſouldiers did beat him with ſtaves and cudgels, whence we may ſay of one that deſerveth a good cudgelling in *x* Tully his phraſe, *Fuſtuarium meretur*. Polyb. calleth it, ξυλοκοπίαν. Vid. Lipſ. de milit. Rom. lib. 5. dial. 18. If a Roman ſouldier had broken his rank by going out of order, then *Virgis cædebatur*, that is, he was ſcourged with rods. Sometimes the Knight Martial upon juſt occaſion would cauſe them to be ſold for bondſlaves, to be beheaded, to be hang'd. All theſe puniſhments were perſonal or particular; there remaineth one which was general, namely when the fault was general, as in their uproars, conſpiracies, &c. Upon ſuch occaſions the ſouldiers were called together, and every tenth man upon whom the lot fell, was puniſhed with that kind of cudgelling above ſpoken of; all the others eſcaped either

t Alex. Gen. dier. l. 2. c. 13.

u Trib. milit.

x Cic. orat. Phil. 3.

there without punishment, or with very little. The punishment it self was teatmed *Decimatio Legionis*, and the reason of this kind of punishment is rendered by *Tully*, *ut metus viz. ad omnes, pœna ad paucos perveniret.* Sometimes such was the clemency of the L. General, that he would punish only the twentieth, nay the hundreth man, and then it was called *vicesimatio, vel centesimatio legionis.* y Cic. pro Cluent.

CAP. 6.

De donis militaribus ob rem fortiter gestam.

COncerning the rewards which were bestowed in war, some were by the Senate conferred upon the L. General: others were by the L. Gen. conferred upon his souldiers. Those honours which the L. General received were three, First, *Nomen Imperatoris*, of which before. Secondly, *Supplicatio*, that is a solemn procession continued for many daies together, sometimes more, sometimes less: all which daies the *Roman* people did observe as holy-daies, offering up daily prayers and Sacrifices to the Gods in the behalf of their L. Gen. The custom being that after some notable victory the souldiers having saluted their chief Captain (whom I call their L. Gen.) by the name of *Imperator*, then would he send letters unto the Senate, dight with Laurel, wherein he required both that name to be confirmed, and approved by them, as likewise that they would *Decernere Supplicationes*, that is, appoint such solemn supplications. Thirdly, they honoured him also at his coming home with a triumph: *Triumphus vel major, vel minor erat*, saith *Alexander*. The lesser kind of triumph was properly called *Ovatio* z *ab ove*, from a sheep, which in the time of his triumph, was led before him, and afterward sacrificed by him, as also in the greater triumph (called properly *Triumphus*) the L. Gen. sacrificed a Bull: it differeth from the greater triumph, first, in the acclamation; for in the lesser triumph the souldiers following did as it were redouble this letter O, and some are of opinion that it was there- z Salmuth. in Pancir. l. rerum deperd. c. de triumph.

fore called *Ovatio*. In the greater triumph the *souldiers* followed, crying, *Io triumphe, Io triumphe*: an example whereof may be seen in *a Horace*, where he describeth the triumph of *Bacchus*, the first Author of this greater triumph; from whose *b* name also divers Authors do derive this word *Triumphus*, he being in Greek called Θρίαμβος, which by a little change is made *Triumphus*. Secondly, they differed, because in the greater Triumph the L. Gen. did wear a garment of State, called by some *Trabea*, *c* by others *Triumphalis*, *Picta vel Aurata vestis*; likewise a garland of Laurel, riding in a chariot, the *Senators* themselves, with the best of the *Romans*, meeting him, his souldiers with their coronets, their chains, and other rewards, following after: but in the lesser triumph the L. General did wear a plain Purple Gown, without any Gold imbroidering, & a garland of mirtletree *d* commonly going on foot, sometimes permitted to ride on a horse; the Gentlemen and commonalty of *Rome* alone, without the *Senators*, did meet him. Moreover, for a perpetual memory of this their triumph, in some publick place certain trophies were erected. *e Trophæum monumentum dixere, nunc marmoreum, modo æneum, cum inscriptione & titulis ævo perpetuo duraturis*, *f Dictum est ἀπὸ τῆς τροπῆς, id est, à conversione*, from making the enemies to retire and turn back. Sometimes there were statues, columns, and arches built, in token of triumph. These arches, though commonly they were known by the name of *Arcus triumphales*, yet sometimes they are called *g Fornices*, whence it is that *Tully* calleth *Fabians* triumphal arch *Fabianum fornicem*. It is so hapned, that the *Roman* General himself, personally, did take away any spoils from the chief Captain of the enemies, then did he hang them up in a temple consecrated to *Jupiter Feretrius*; who was so called, because *b* as the *Romans* conceited, without the special assistance of *Jupiter*, *Dux ducem ferire non poterat*; these spoils had the name of *Opima spolia*, that is, Royal spoils. The rewards bestowed

a Od. 2. l. 4.

b Salmuth. in Pancir. l. rerum deperd. & ip. de triumph.

c Alex. Gen. dier. l. 6. c. 17.

d Dion. Hal. l. 5.

e Alex. Gen. dier. l. 1. c. 2.

f Serv. Æn. l. 10.

g Fr. Sylv. in orat. Cic. pro Cn. Plancio.

h Alex. Gen. dier. l. 3. c. 14.

ed upon the ſouldiers were divers: either places of offices, as the place of a Centurion, of a *Præfectus*, a *Decurio*, &c. or their pay was increaſed, the ſpoils diſtributed amongſt them: or laſtly, they received certain gifts termed *Dona militaria*. In ancient times thoſe ſouldiers which had beſt deſerved, received a certain meaſure of corn, called by them *Adorea*, *i* and hence it is that *Adorea* is now uſed to ſignifie ſuch laud and praiſe as is due unto a ſouldier. But after ages, for the better encouraging of the ſouldiers, have found out more honourable rewards, of which *k* theſe were the chiefeſt; *Armilla*, that is, a bracelet for the hand-wriſt; *Torquis*, a chain to wear about their neck; *Phaleræ*, horſe-trappings, *Haſta pura*, that is, a ſpear, having no iron at the end of it (it is ſometimes called *l Haſta donatica*, and *Haſta graminea*.) Laſtly, *Coronæ*, *l* crowns of which *Aul. Gel. l. 5. c. 6.* obſerveth theſe to have been the chief: 1. *Corona triumphalis*, which in old time was made of Laurel, but afterwards of Gold, and thence it was called *Corona aurea*: it was ſent by the Senate unto the L. General, in honour of his triumph; Secondly, *Corona obſidionalis*, which was given by the ſouldiers unto the General when they were freed from a ſiege; it was made of graſs growing in that place where they were beſieged, whence it had the name alſo of *Corona graminea*. Now the reaſon why they made this crown of graſs growing in the place where they were beſieged, was thereby to yield up their right in that place unto their Captain, for by that ceremony as *m Pliny* obſerveth, they did *Terra & ipſa altrice humo & humatione etiam cedere*. And hence it is, that in races, and the like maſteries, he that was overcome, did gather ſome of the graſs of that place, and gave it unto the conqueror, as a token that he did acknowledge himſelf conquered; *n* this is the reaſon of that Adage, *Herbam dare*, that is, to yield the victory. Thirdly, *Corona civica*, which was beſtowed only upon him which had ſaved a Citizens life; *o* though in proceſs of time it was alſo beſtowed upon the L. Gen. if he ſpared a *Roman* Citizen when he had power to kill him:

i Alex. Gen. d.er. l. c. 18.

k Sig. de jur. Rom. c. 15.

l Roſin. ant. l. 10. c. 17.

m Plin l. 22. c. 4.

n Salmuth. in Panc. l. rerum deperd. c. de coronis.

o Pigh. l. Tyrannif.

him: It was commonly made of Oak; whence it was called *Corona quercea*. And this I take to be the reason why in *Ovids* time the Emperor had alwaies standing before his gates an Oak tree in the midst of two Laurels, as an emblem denoting two worthy vertues required in all Emperors and Princes: first, such whereby the enemy might be conquered: secondly, such whereby Citizens might be saved. Unto this *Ovid* seemeth to allude, speaking of the Laurel tree,

p Ovid. Met. l. Fab. 9.

p *Postibus Augustis eadem fidissima custos*
Ante fores stabit, mediamq; tuebere quercum.

Fourthly, *Corona Muralis*. q He only was honoured with this, which did first scale the walls, and enter first into the enemies City: and hence this crown was put upon the circlet, or top, like unto the battlements. Fifthly, *Corona Castrensis*, This the L. Gen. bestowed on him which first entred into the enemies tents: it did bear in it the resemblance of a bulwark, or at least of the mound wherewith the bulwark was strengthned: which mound was called in Latine *Vallum*, and thence the crown it self was often called *Vallaris corona*. Sixthly, *Corona navalis*, with which he was honoured, which first entred into the enemies ship in a battle upon Sea: it was portrayed with many ship beakes, called in Latine *Rostra*, r whence the crown it self was often called *Corona Rostrata*. That *Roman Herculer Siculus Dentatus* obtained almost all those several rewards, and that each many times. Lastly, *Corona ovalis*, it was made of Mirtle tree, the L. General used it in the lesser kind of triumphs, called *Ovationes*, from whence the Coronet it self was named *Ovalis*. It was then bestowed, when the Herald had committed some error in denouncing war; or when the enemies conquered were of mean rank and place, as Servants, or Pirats; or else if the victory were gotten without bloodshed, or great hazzard, the enemies yielding without resistance. *In quibus impulvereis & incruentis victoriis, aptam esse Veneris frondem existimaverunt, quod non Martius, sed quasi Venereus quidam triumphus foret.*

q Dion. Hal. lib. 10.

r Pigh. l. Tyrannif.

s A. Gel. noct. Attic. l. 2. c. 1.

FINIS.

INDEX RERUM ET VERBORUM maxime insignium.

A Litera in tabula, scripta, quid significet, 131
A. litera salutaris 241
Abdicare quid? 166
Abire Flaminio 53
Acca Laurentia quæ & ei cur sacra instituta 45
Accensi qui 164
Accipere inducias 235
Accumbendi ratio apud Romanos qualis 118
Acerra quid 75
Actiaci ludi 61
Actiones redhibitoriæ quæ 175
Actus in fabula nec plures, nec paciores esse debent, quam quinque 176
Addicere quid significet? ibid.
Addicti bona quæ? ibid.
Addicti servi qui; 31, 1
Adjicialis cœna quæ? 63
Adorea quid? 269
Adscriptus civis quis? 211
Adversaria 133
Adulterium quid? 253
Advocatus fisci 178
Ædes sacra 21
Ædes Saturni 12
Ædiles unde dicti? 175
Ædiles Cereales qui, & unde dicti, 176
Ædiles Curules qui, & unde dicti? 175
Ædiles plebei qui? ibid.
Æta Corybantia, & unde dicta? 64
Ærarii qui 184
Ærarium unde dictum 13
Ærarium quomodo differebat à fisco 178
Ærarium militare 13, 177
Ærarium sanctius 13
Ære diruti qui, & unde dicti? 265
Æs { Grave / Signatum } 255
circa *Æs* & libram 239
per *Æs* libram venditio 239
Æsculapii insula 24
Æstimo unde? 223
quid? 97
Agere ad populum 212
cum populo ibid.
Agere de plano quid 204
Agere forum quid 15
Agere pro tribunali quid 204
Agere velitatim 253
Ager proprie quid 157
ad *Agnatos* & gentiles deducendus est Prov. 228
Agonales Salii 55
Agonalia mons 5
Agones qui & unde dicti 6
Agones capitolini 7
Agones Quinquennales 9
Agrariæ leges, *vid.* leges
Agri Scriptuarii 263
Ala aciei 25
Alarum præfecti ibid.
Alba toga quomodo differebat a candida 248
Albi dies qui 128
Albo galerus 53
Altare quid, & unde dict. 331
Alte præcincti pro expeditis dicti 147
Ambarvalis hostiæ 46
Ambulatoria cœna 112
Amici pop. Rom. 164
Amicus & socius Sen. & Pop. Rom. ibid.
Amphitheatrum quid 18
Amphora Attica 314
Amphora Italica ibid.
Amphora mellaria 60
Ampliari quid 239, 240, 241
Ampliatio quid ibid.
An { auctor esset / sponderet / satis daret } 244, 245

Aedile cœlo delapsum 55
Andabatæ & Andabatorum more 141
Anguem pinge duos, id est, duos genios 38
Angusticlavia 151
Angusticlavii *Ibid.*
Annalis lex 215
Anniversariæ feriæ quæ 129
Annona præfectus 178
Annua lex 165
Anulati pede 200
Anulus in nuptiis dari solitus 69
Annus à Romulo institutus 124
quasi annulus *ibid.*
Bissextiles 128
Julianus 125
magnus & vertens 126
Ante cœlum quid & unde dict. 117
Antepilani qui 63
Antesignani qui 114
Antiquo quid significet 189
In *Antiliam* damnari 20
Apex quid 58
Apex pileorum genus 58
Apollinares ludi qui 85
Aqua & igni interdicere 184
Aquilla pro primopilatu 263
Ara quid & unde dicta 22
Aræ quare gramineæ dictæ *ibid.*
Ad te tanquam ad *Aram* confugimus 4
Arca custodiæ genus 192
Archigallus quid & unde dict. 60
Arcus triumphalis 268
Arena 18
in *Arenam* descendere *ibid.*
Arenarii qui dicti *ibid.*
Aries Machinæ genus, & ejus descriptio 259
Arietem emisit. prov. 56
Arma concutere 249
Arma inuncta 12
Armilla donum militare 269
Armis vestis pugnare 97
Arvales fratres qui, quot, & unde dicti 56
Auspices unde dicti 46
Ar 208, 225, 230
Asiatica Creta 263
Asylum 3
Ad te tanquam ad *Asylum* confugimus 3
Atellanæ unde dictæ 102
Atrid es qui 128
Auctio quid 221
Auctor quis 47
Auctorati quales gladiatores 96
Auctoritas, jus dominii 239
Augurandi ceremonia 47
Auguratus semel alicui datus, eidem dum vixerat; adimi non potuit, *ibid.*
Augures unde dicti, & eorum numerus initio & deinceps quantus 46
Auguria imperativa 48
Auguria Oblativa *ibid.*
Auguria prospera & adversa quardò dicta *ibid.*
Augurum Collegium 47
Augustales ludi 94
Augustus, Octavius Cæsar dictus 167
Avibus bonis & malis quid 46
Avis sinistra quid significet 49
Aurigarum factiones 88
Aurum Coronarium, quid, & unde dictum 219
Auspicari rem quid 46
Auspices quasi Avispices *ibid.*
Auspiciis bonis, malis *ibid.*
Auspicium coactum quid, & unde dictum 49
Auxilia quæ 250
Auxiliare quid 49

B

B. F. in Senatus consultis quid significet 158
Basilica quid, & unde dicta 253
A *Band* of Souldier, cur sic dict. 254
Βαρβαρόφωνοι *ibid.*
Bardum *ibid.*
Barritum tollere 230
Basilica pars templi quæ 19

Basilica Pauli quæ 9, 10
Basilicus jactus in ludo tesserario 101
Bellare cœstu quid 89
Bellum quomodo indici solitum? 56
Bercyathia unde dicta 60
Bessis quid 220
Bestiarii qui 193
Biclinium unde dictum 118
Bissextilis annus qui 125
Bissextus dies quis *ibid.*
Boalia 55
Bona Dea & quare dicta 59
Bupetii ludi 64
Bustuaria qui & unde dicti 77, 95
Bustum quid & unde dict. *ibid.*

C

C Litera condemnationis nota 24
Caballus mons 5
Calibaris hasta 65
Cœlius mons 5
Cæsar Nobilissimus. *ibid.*
Cæsares 167, 168
Caius Caia mariti & uxor dicti 76
Calastica 152
Calata Comitia 130, 219
Calcei lunati 153
Calcei mullei *ibid.*
Calcei vincinati *ibid.*
Calculi Palamediaci 114
Caledæ 126
ad *Calendas* Græcas 154
Calige *ibid.*
Calumniam jurare, de jurare 240
Calumniari, Prævaricari, Tergiversari, quomodo differunt 234
Campus Martius quare dictus Tiberinus. 15
Campus Scelcratus 14
Candida toga 149
nomenclario } in *Candidatis* requisita. 148
assiduitas
benignitas
blanditia
Candidatus Principis 149
Candidatus Quæstor *ibid.*
Candidatus unde 144
Canis & Canicula, jactus in ludo tesserario 101
Canos, ut *Cana* Alexandrinum urbis Romæ, &c. Jureconsultinquid? 122
Capita vel navim, ludi genus 117
Capite censi 141
Capite damnatus 164
de ejus *Capite* quærito 242
Capitis diminutio, maxima, media, minima 183
Capitolini } ludi agones } 90
Capitolinus mons 4
Capitolium unde *ibid.*
Capnomantes 51
Caput conrubernii 251
Caput Porcinum in bello quid, & quare dictum? 254
Carcer ab Ergastulo differt 191
Carceres in circo quid & unde 86
à *Carceribus* ad metam 16
Carptor 220
Castoris templum 12
Catapulta quid & unde 199
Κατάδεσις 204
Κατασροφὴ *ibid.*
Catastrophe vitæ humanæ 193
Καθάπερ ὁ σφαῖρος 202
Cavea quid 12
Cavea quæ pares amphitheatrum *ibid.*
Causæ Capitales 264
Cedere de gradu 97
Celares qui & unde 156
Celerum Tribunus, *ibid.*
Cestio hastaria 265
Censorii, Consoria virga 262
Census quid significet 229
Centesimatio legionis 267
Centrones qui & unde dicti 190
Centum-viri 264, 307
Centuria quid 251
Centuria Prærogativa 137
Centurio 141

Primus Centurio 153
Centuriones 233, 251
Cerata tabula 33
Cerealia ludi 85
Cerri sacrificat Jano 87
Ceres quomodo effingi solita ib.
Cerites primi municipes 264
Cerites tabulæ ibid.
Cervi, parraggeri, quare dicti? 251
Cestus 89, 153
Chius, quid in talorum ludo 109
Chloris Flora dicta 8
Chorus tam è viris, quam mulieribus constabat 104
Cibaria leges 213
Ciniflarchium quid 13
Cinctura laxior 146
Cinctura strictior ibid.
Cinctus Gabinus ibid.
Cinctutus 250
Circenses ludi 86
Circumvenire quid significet 210
Circus quare dicitur fallax 28
Circus maximus 15
Cispius collis 6
Cives originarii 31
Civilis dies quomodo dividitur 128
Civis reptitius 29
Civitate donatus 31
Clam an palam 234
Clarigatio quid 48
Classe infra Classem 140
Classici scriptores 141
Classicum canere 152, 149
Classicus 141
Clientes qui 26
Clodius accusat mœchos, Prov. 60
Coactum auspicium 49
Codex unde 134
Codex supplicium esse 293
Codex robustus, locus in carcere 192
Cœna unde dicta 117
Cœna adjicialis Pontificia 63
Cœna ulmea 121
Cœna caput ibid.
Cognoscere, & pronunciare quomodo differunt 18
Cohors 251
Cohors prætoria 179
Coire quid signif. 210
Collatis signis pugnare 249
Collegii Magister 47
Colligatis vasis 249
Collina 25
Collis { Salutaris, Martialis, Latiaris } 5
Collis { Cispius, Oppius, Semptimius } 5
Collis hortulorum 7
Collumbar 194
Colonia Romana 261
Coloniæ deductio 367
Coloniæ Latinæ 262
Coloniæ Italiæ ibid.
Comessatio 117
Comitia & Comitium, quomodo differunt 11
Comitia calata 130, 228
Comitia Centuriata 131, 141
Comitia Pontificia 131
Comitia Ædilitia ibid.
Comitia Tributa 131, 143
Comitialis dies 130
Comitialis homo ibid.
Comitialis Morbus 137
Comitium quid & unde 10
Comœdia unde, & ejus partes 102
Comœdia & Tragœdiæ differentiæ quædam ibid.
Comperendinari quid proprie 239, 240
Compitales ludi 93
Conceptivæ feriæ 129
Conclamare vasa 249
Conclamatum est 74
Concubium 108
Condition tua non utar 72
Confarreatio 69
Conferre signa 249
Congiarium 144
Conscripti patres quomodo primum dicti ibid.
Consualia ludi 86

Consul 159
Consul major prior 163
Consularis vir 195
Consules Honorarii, ordinarii ib.
Consules non Honorarii, & suffecti 161
Consul olim Neptunus dictus 86
Contendere ex provocatione, *contendere* Sacramento 245
Conticinium 128
Contubernium, contubernes Caput 200
Convivarum quantus numerus 119
Convivia Romanorum quam varia 117
Κῶς ἐφὸς χῖον 110
Cornix fœlix auspicium in sponsalibus 69
Cornu dextrum vel sinistrum aciei 254
Cornua in libris quid 235, 135
Corona Castrensis, Vallaris 270, 276
Corona Civica, Quercea ib.
Corona Muralis ib.
Corona Navalis, Rostrata ib.
Corona obsidionalis, Graminea 269
Corona Ovalis 270
Corona Triumphalis, aurea 269
Coronæ, dona militaria 171
Coronarum usus in conviviis 110
Sub *Corona* quid 261
Coro'is quid 135
Corybantes unde 61
Corybantia unde ib.
Cothurnus 106
Cotis 111
Crepusculum 117
Creta Asiatica 263
Cretata ambitio 149
Cretula usus in literis signandis 134
Cribrum Carnificinum 190
Crux 188
Cultus 194
Cultuarii 67
Inter *Cuneos* residere 18
Cuneus in theatris quid ib.
Cuneus militum quid, & cur dictus 254
Cuniculi 260
Cuniculis oppugnare ib.
Curia per se quid signif. 5
Curia per se idem aliquando quod domus 46
Curia's { Hostilia, Pompeia, Julia } 6
Curiæ olim apud Rom. quot 45
Curiales Flamines ib.
Curialis domus 46
Curio Maximus ib.
Curiones Flamines dicti 53
Curiones sexaginta 45
Curionia ib.
Curulis sella 163
Custodes qui 232
Custodia ligna 192
Cybelæ vel *Cybeles* 60
Cybellicius circulator 61

D

D *Amnari* in metallum, & *Damnari* in opus metalli 254
Damnatio ad bestias 199
Damnatio in gladium 198
Damnatio in ludum 197
Damnatus voti 94
Dapes Saliares 56
Datatim ludere 206
Datores in pilæ lusu 115
Dea bona 59
Dea viri placa 72
Debitores quomodo tractari soliti 32
Decanus quis 151
Decem-viri 58, 169
Decem-viri Stlitibus judicandis 205
Decimatio legionis 267
Decretoria tela 176
Decuma, Decumanus 218, 163
Decumanus idem quod maximus, & quare 256
Decunx 230
Decuriæ 123, 206, 251, 252
Decurio 208
Decurio quot significet 261
Dejectio è saxo 199
Delubrum quid & unde 20
Deorum mater 60
Deportati 15, 131

Deportatio 185
Desultorium ingenium 15
Desultorius equus *ibid.*
Deunx 230
Devorat sacra haud immolata 68
Devovere diis inferis, quid 26
Dialis Flamen 52
Dianæ mons 6
Dicam scribere 232
Dictator 170
Die noni pro die nono 94
Dium alicui dicere 240
Dies & atri 128
Dies bissextus 126
Dies civilis, quomodo dividitur 128
Dies comitiales 130
Dies fasti, ex parte fasti, & nefasti *ibid.*
Dies festi, feriati, profesti, Intercisi 108
Dies justi 32
Dies prorogandus 228
Dies tertius *ibid.*
Dies postridiani, & Ægyptiaci 128
Differ ratio 70
Diffidere idem 237
Diffido provocare 101
Digitum attollere, deditionis signum 131
item emptionis 221
Dii & divi quomodo differunt 132
Dii animales qui 35
Dii communes 36
Dii consentes majorum gentium nobiles 35
Dii patrii, *dii* tutelares 36
Diis aliquid facere *ibid.*
Diluculum 128
Diludia in fabulis 134
Dimachæri 101
Dimicare ad certum 97
Dimidiatus aper omnia habet eadem quæ totus, Prov. 224
Diminutio Capitis maxima, media, minima 113
Diribitores 132
Discincti qui 250
Discumbendi ratio 118
Discus 67, 115
Divisores 145
Divortium 72
Do, dico, addico 130, 166
Dodrans 229
Domus Curialis 81
Dona 267, &c.
Donatica hasta 171
Dubia cœna 121
Ducere uxorem 72
Duella 219
Duumviri sacris faciundis 57

E

Calculus 195
Edictum unde 165
Edictum peculiare & novum *ibid.*
Edictum peremptorium 240
Edictum perpetuum 165
Effari templa quid 20
Elephantini libri qui 13
Eleusina Ceres dicta 42
Elogium quid 189
Eloquentiæ candidatus 149
Emancipati qui 227
Emancipati desierunt esse agnati *ibid.*
Emancipatio 229, 238
Emisit arietem, Prov. 56
Empti de lapide, de furca 197
Epistasis quid 104
Epulonum Triumviri 63
Equestria 17
Equestris ordo *ibid.*
Equi πεμπτικοὶ & ἡγεμικοὶ 87
Equitum distributio 251
Equitum Magister *ibid.*
Equitum præfecti 252
Equus militaris 28
Equus publicus *ibid.*
Equus Selis 87
*Erga*stulum unde dictum 191, 200
Ἕρκος ὀδόντων quid Gellio signif. 256
Eσχατοὶ qui dicti 199
Esquilini tribus 25
Esquilinus mons 6
Essedarii qui 100
Ἐυκνήμιδες Ἀχαιοὶ apud Homerum 46, 100

Euripidis jactus in tesseris 113
Exaggero unde 255
Exequiarum ritus 75
Exercitoria tela 95
Extispi es qui & unde dicti 50
Exiramura eus cur Mars appellatur 72
Extremi agminis ductores 251

F

Fabiani Lupercí 42
Fabianus fornix 258
Fabulæ palliatæ & togatæ 95
Factiones albæ & russeæ 88
Factores in pilæ lusu 115
Fagutalis Jupiter ibid.
Fagutalis mons 7
Familiæ appellatione quid aliquoties significatur 101
Familiaris pars in victimis 51
Fana sistere 20
Fanum quid & unde dictum 19
Farraciæ quid 70
Fartor 144
Fasces pro magistratu 157
Fasces submittere ibid.
Fasti dies, & ex parte *fasti*, 130
Fauna } Bona Dea appellata 59
Fauna }
Fax prima 128
Februarius undedictus 40
Feretrius cur Jupiter dictus 268
Feriæ Imperativæ, & Indictiv. 119
Feriæ Latinæ ibid.
Feriæ privatæ, publicæ, anniversariæ, stativæ, & conceptivæ ibid.
Feriati dies ibid.
Ferre legem 139
Fisti dies 129
Fidei flamines 57
Fidicula 296
Fidus idem olim quod fœdus 59
Figere legem & refigere 139
Figere tabulam ibid.
Fiscus ab Ærario differt 178
Flagella Triumviralia 203
Flagra taxillata ibid.
Flana 52
Flamen dialis } ibid.
Martis }
Quirinalis }
Flamines quot & unde dicti 52
Flamines Curiales 53
Flamines majores & minores ib.
Flaminiæ ædes ib.
Flaminicæ ib.
Flaminica & *Flaminia* ib.
Flaminio abire ib.
Flamineus 63
Flexumines 156
Flora dea 7
Floroles ludi 84
Florales tubæ ibid.
Focus quid & unde dictus 23
Pro aris & Focis certare ib
Fœciales unde dicti 56
Fœdus quid 67
Folium Sybellæ, vid. *Cybelle* folium.
Follis pila qualis 115
Forfex, seu *Forceps* militum 202
Fori in circo maximo quid 18
Fornices 267
Fornix Fabianus 268
Forum quot modis sumitur 8
Forum agere ibid.
Focum indicere ibid.
Forum Augusti 9
Forum Julium ibid.
Forum Palladium ibid.
Forum Romanum, & *Forum* vetus ib.
Forum Salustii ib.
Forum Trajani ib.
Forum transitorium, & cur sic dictum ib.
Fratres arvales, qui, quot & unde dict. 45
Fraudatio stipendii 265
Fregit subsellia 90
Frumentariæ leges 222
Frumentum æstimatum } 223
decumanum }
emptum }
imperatum }
Fucalia unde 74
Fundus & Fundamentum cœnæ 121

Fnum 27
de *Furca* redempti 197
Furcæ ſupplicium 186, 190
Furcifer unde 180
Fuſte cædi 266
Fuſtuarium meretur ib.

G

Galli Cybelles ſacerdotes 60
Galli gladiatores quales 110
Gallica quid 123
Gallicinium 128
Gemoniæ ſcalæ ubi 107
Genialis quid ſignif. 38
Genialis arbor quæ 37
Genialis lectus 72
Genio indulgere 38
Genium defraudare ib.
Genius bonus & malus 36
Genius loci 38
Geno idem quod gigno 37
Gladiatura 96
Gladius in judiciis quid 165
Globus militum 254
Gradivus à gradiendo 54
Gradus in gladiatura quid 98
Græca ſacra, *Græca* ſacerdos 43
Graminea ara, haſta, corona, vid. *Ara*, *Haſta*, *Corona*
Grande ſophos quid 91
Gymnici 89
Turauxia 59

H

Hæredes ex toto aſſe
Hæredes in ima cera
Hæredes legatarii 133
Hæredes primæ ceræ
Hæredes ſecundi
Hæredes ex deunce
ex quadrante
ex ſemuncia 230
ſertula aſperſus
Hæres fiduciarius, & imaginarius 228
Hæres in totum aſſem inſtitutus 219
quomodo differt ab *Hæredi* ex toto aſſe 230
Harpaſtum 115
Haſta Cœlibaris 69
Haſta Centumviralis 164, 206
Haſta pura
donatica 269
graminea
Haſta pura donati 265
Haſtæ judices 157
Haſtæ ſubjici 220
Haſtaria cenſio 265
Haſtati qui 233, 253
Helepolis, genus machinæ deſcribitur 259
Hemones aliquando homines dicti 35
Herbam dare 269
Hercules, jactus in teſſeris 110
Hiſtrio unde dictus 101
Honiai mortuo oſſa ne legito 77
Homo Comitialis 133
Homo incerti laris 39
Homo omnium ſcenarum 17
Homo plurimarum partium 98
Homo ſacer 175
Hoplomachorum armatura 100
Horrea Sempronia 222
Horti Saluſtini 9
Hoſtia unde dicta 65
Hoſtiare victimam ib.
Hoſtilia Curia 6
Hoſtilis pars in victimis 51
Hymen Hymenæe 72

I

I. D. T. S. P. quid 240
Facere in Senatu 159
Factus pronus, plenus, ſupinus, inanis, 113
Janiculus mons 8
Januarii 56
Idus 138
Fentaculum unde dictum 117
Igni & aquæ interdicere 184
Ignobiles qui 29
Ignominioſa dimiſſio 265
Ignota capita 28
Ilicet quid ſignif. 78
Illotis manibus accedere ad rem 66
Illotis pedibus ib.
Imago idem quod nobilitas 29
Immolatio 66

Imperativa feriæ 129
Imperator 252
Imperator quot signif. 167, 252
Imperatoris nomen denum militare 267
Ellipsis cum *Imperio* quid 218
Imperativa auguria 48
Inauspicato 46
Incensinarium 13
Incensus 239
Incerare genua deorum 90
Incestus unde 152
Indicare forum quid 8
Indicta causa damnari 210
Indigites 34
Induciæ 264
Inferiæ 77
Ingenui qui 31
Inire viam 244
Injustis vindiciis & sacramentis alienos fundos petere 246
Inscripta ergastula 235
Inscripti servi 201
Intendere actionem, vel litem 240
Intercalaris dies 125
Intercedere 139
Intercisi dies 129
Interrex 170
Intervallum quid 255
Intonuit lævum 49
Io Triumphe 286
Ἰωνοχρατία, ludi genus 77
Italum robur 192
Judicatum solvere 239
Judices hastæ 164
Judices lecti sortitione, editione, edititii alterni } 238
Judices quæstionum 205
Judices selecti 216
Judicium dare 244
Judicium decuriæ 232
Judicum rejectio 241
Judicum sortitio, sub sortitio *ib.*
sub *Jugum* quid 161
Junones 37
Junonii 56
Junus sive *Juvus* aliquando nomen Panis 52
Jupiter Feretrius quare dictus 275
Jurare calumniam, sive in litem 245
Jurare Jovem lapidem, vel per Jovem lapidem 208
Juri vocatæ centuriæ 143
Jus & lex quomodo differunt 204
Jus honorarium 165
Jus Papyrianum 205
Jus pro loco in quo Prætor Judex sedebat 143
in *Jus* vocare 204
in *Jus* vocatio 240
Justa 76
Juvenales ludi 108

L

A Litera Græcis ampliatio insignum 242
Laterna quid 152
Laternatus oppositus togato *ib.*
Lana qualis vestis 47
Lævum in rebus sacris quid 49
Lamiæ 196
Lanii cum tintinnabulis 185
Lanistæ qui 101
Laus 67
Lapis manalis 54
Lapis pro mille pass. 168
Laquearii quibus armis pugnare soliti 101
Lare sub parvo 39
Lares *ib.*
Lari sacrificat *ib.*
Largitio 145
Lata fuga 244
Latiaris collis 5
Laticlavia, *Laticlavis* 151
Latinæ feriæ 129
Latini nominis socii 211
Latinus quis *ib.*
Latro & *Latrunculus*, unde dicti 114
Laudare defunctum pro rostris 73
Lectus genialis & adversus 72
Legatio mandata, votiva, libera 215
Legatus 252
Legatus quot significat 185
Legio quid, & unde 250

Legio Mandarum 134
Legio nuda 201
Legio quadrata 250
Legionis decimatio, viceſimatio, centeſimatio 267
Legionis diviſio 5
Lemniſcata palma 98
Lemniſcus quid *ibid.*
Leſſum 78
Lex & jus quomodo differunt 204
Lex Curiata, Centuriata 139
Legis promulgatio 137
Leges Agrariæ 221
de ambitu 239
Cibariæ 214
de Civitate & jurum civium 210
ad Comitia ſpectantes 242
duodecim tabularum 469
Lex duodecim tabularum de vindicus 243
Leges Frumentariæ 212
de Judicibus & judiciis 231
de Legibus 217
de Magiſtratibus 215
Majeſtate 236
Re Militari 226
Pecuniis repetundis 238
Provinciis 218
Religionem ſpectantibus 207
de Senatu & Senatoribus 214
Sumptuariæ 224
Tabellariæ 213
de Teſtamentis 228
de Tutelis 227
de Uſu capione 230
Lex accuſatoria 231
Lex Acilia 239
Acilia Calpurnia 236
Ælia 213
Antia 234
Antodia 232
Ateria 182
Atinia 230
Aurelia 232
Cœbia 213
Caſſia *ib.*
Cicilia Dicæa 217
Lex Cincia 233
Claudia 214
Clodia de Comitiis 213
de Cypro 210
de frumento. 222
de intercell. 217
de Magiſtrat. 215
de Provinciis 220
ad religionem ſpect. 209
Cornelia Agraria 226
de judicibus 234
de Magiſtratibus 206
de Municipiis 211
de Provinciis 219
de Sicariis, Veneficio, & Parricidio 242
Sumptuaria 225
Lex Didia *ib.*
Domitia 111
Lex Fabia 235
Fannia 224
Furia 209
Fuſia 212
Lex Gabinia Comitialis 213
militaris 216
Gellia Cornelia 212
Lex Hieranica 214
Hircia 216
Lex incerta de nexu 234
Judicaria Cæſaris 232
Julia de judiciis *ib.*
de Majeſtate 236
de Provinciis 218
Junia de pecuniis repetundis 219
de peregrinis 211
Junia Licinia de trinundino 217
Lex Latoria 228
Licinia de Sodalitiis 237
Sumptuaria 225
Licinia Æbutia 217
Lex Licinia Muria 212
Livia 231
Lex Mancipii 235
Manilia Comitialis 214
Militaris 226
Memnonia 234
Muneralis *ibid.*

Lex Orchia 224
Lex Papia 210
Papiria ad religionem ſpectans 213
ad comitia ſpect. *ib.*
Plautia 232
Pompeia *ibid.*
Portia 210
Lex Quadrupli. 230
Lex Rhemnia 234
Roſcia 207
Rupilia 232
Lex Sempronia Agraria 221
de Civitate 210
de comitiis 214
Frumentaria 222
de Judiciis 231
de Provinciis 217
Servilia de Civitate 215
de Judiciis 225
Locialis 239
Sylvani & Carbonis 211
Lex Terentia Caſſia 223
Titia 218
Tullia de Ambitu 237
de Senat. 214
Lex Valeria 218
Varia 137
Varinia 219
Voconia 219
Libamina prima 67
Libatio 66
Libellos dejicere 221
Libra toga 148
Liberi alii ingenui, alii *Libertini* 31
Liberti 30
Libitini, *Libitinarii* 75
Libitinarius idem quod capularis *ibid.*
Libi unde 132
Libripens unde 235
Lictores qui & unde 156
Litem incidere 134
Litare 69
Lite vel cauſa cadere 200
In *Litem jurare* 240
Litis conteſtatio, redemptio, æſtimatio quomodo differant 239
Litterati 202
Lituus 47
Loculi 17
Lucres 25
Lucina Dea quæ 70
Lucus unde dictus 22
Ludorum Romanorum diviſio 80
Ludi honorarii 94
Ludi juvenales 108
Ludi plebeii 93
Ludi quinquennales 91
Ludi Romani, Magni, Conſuales, Circenſes 86
Ludi ſacri 82
Ludi ſeculares 91
Ludus Trojanus 105
Lugere differt ab *elugere* 79
Lupa aluit Romulum & Remum expoſitos 41
Lupercal ubi *ibid.*
Lupercalium origo & ceremoniæ *ibid.*
Luperci Fabiani 42
Luperci Quintiliani *ibid.*
Lupercorum licentia *ib.*
Luſoria tela 96
Luſtrum 162
Luſtrum condere *ibid.*

M

Machinæ bellicæ 163
Machinis oppugnare 260
Mactare hoſtiam 67
Magiſter per ſe quid 189
Magiſter Collegii 47
Magiſter Equitum 274
Populi *Magiſter* *ibid.*
Magiſtratu abire 144
Magiſtratum ambire, inire *ib.*
Magiſtratus quis 135
Magiſtratus majores 136, 115
minores *ibid.*
Magiſtratus patricii, plebeii *ibid.*
Magiſtratus Quinqueduanus 170
Magna mater 60
Mala manſio 192
Malleoli genus machinæ 260
Mancipatio 227, 235
Mancipatio fiduciaria *ibid.*

Mancipatus Mancipium ib
Mancipes 263
Mancipi 224, 227
Mane 118
Manes, mali genii 37
Manibus illorum accedere ad rem 66
Manibus, pedibusque discedere in alicujus sententiam 158
Manipulares 233
Manipuli 251
Manipulus militum 254
ex jure *Manu* consertum te voco 244
Manum conserere, *Manus* consertio 243, 244
Manumissionis formula 31
Manus in ludo gladiatorio 113
Manus in ludo tesserario ib.
Mars effingi quomodo solebat 54
Marte proprio 53
Marte vario pugnatum est ib.
Martiales ludi 85
Martialis collis 5
Mater Deorum 60
Mazors 54
Megalenses ludi 80
Megalensis purpura 84
Megalesia 80
Mellaria amphora 59
Menses Romanorum quales 124
Mercuda unde dicta; 119
Meteri sub hoc vel illo Duce 147
Meridiani qui 200
de *Meridie* 328
ad *Meridiem* ib.
Meridies ib
Meta 16
Metallum 259
Μετρακυρται 61
Miles emeritus 248
Militares mulctæ 265, &c.
Militaria dona 257, &c.
Militaris testudo 265
Milites per sacramentum conjurationem 248
evocationem seu evocati 249
Militis Pilani 254
Prætoriani 179
Subitarii 151
Mimi qui, & quare Planipedes dicti. 103
Minicæ fabulæ ib
Minervii .
Minuritia 93
Missio 97
Mitra 152
Mitriaci 61
Mittere vel demittere Judices in consilium 241
Mediperator in conviviis 140
Molæ 66
Monas talorum jactus 110
Monitor 137
Mons Aventinus, Dianæ mons Murcius, Remonius, sacer. 5
Mons Cœlius Querculanus ib.
Mons Capitolinus, Tarpeius, Saturni 4
Mons Esquilinus 5
Mons Palatinus 3
Mons Quirinalis, Agonalis, Caballus 5
Mons Vaticanus 8
Mons Viminalis, Fagutalis 7
Monterias 8
Morbus Comitialis 138
Morbus Sonticus 237
Moribus deductio 244
Mulcta suprema, minima 182
Mulctæ militares 265, &c.
Mulci calceorum genus unde? 153
Muscarii qui? 95
Municipium quid & unde? 264
Municipium sine suffragio ib.
cum suffragio ib.
Munus pro gladiatura 95
Munus honorarium 166
Munus offendere 199
Murcia Venus dicta 6
Murcius mons ib.
Murrhata, *Murrhina* potio 78
Muscæ in conviviis qui 120
Musculus, machinæ genus 256
Mutare vestem quid? 149
Mydas, jactus tesserarum 112
Myrmillones 100

N

N. L. quid signif. 241
Naulum Charontis 77
Nefastos dies 130
Nervus 193
Nexi qui 32
Nexus 129, 234, 235
Nomen idem quod debitum 32
Nomina facere, liberare, exigere *ib.*
Nominis delatio 140
Nomenclatio, *Nomenclator* 145
Noxæ 126
Nongenti qui 132
Novi qui dicti 28
Nox intempesta ad mediam *Noctem* media *Nocte* de media *Nocte* 128
Nucibus relictis 116
Numelli 194
Numeri in ludo tesserario 209
Numerus Stesichorius 221
Nummus pro sestertio 208
Nunciatio 138
Nuncium mittere, remittere 73
Nuncupare vota 94
Nuptiæ innuptæ 70
Nuptiæ sacramento ignis, & aquæ *ib.*
Nuptialia dona 72
Nympharum ædes 163

O

Obnunciatio 138
Observatio de cœlo *ib.*
Obtectarum usus in bellis 100
Olympica certamina 89
Omen prærogativum 137
Onager machinæ genus, ejusque descriptio 258, 259
Opera & impensa periit 89
Operam & oleum perdidit *ib.*
Optima spolia 268
Opius collis 6
Ops 59
Optimates qui 30
Oracula Sybillina 58
Orbelæ, gladiatores quidam sic dicti 38
Orbis militum 254
Græ quis usus in ludo tessario 112
Orchestra 17
Ostendere munus 199
Ovatio quid & unde 268
Ovem unum 183
Ovilia, locus in campo Martio 14
Ovi cum Mundo similitudo 86
Ab *Ovo* ad mala 121
Ovum in Cereali pompa quid 34

P

Pallio quid 267
Pæanas concinere 93
Παιανίζειν & μιμεῖσθαι opponuntur *ib.*
Paganica pila 115
Palamediaci calculi *ib.*
Palatia unde dicta 3
Palatina tribus 202
Palatini ludi 94
Palatini Salii 55
Palatinus mons 3
Palla 15
Palliatæ fabulæ 106
Palliati pro Græcis dicti 146
Pallium *ib.*
Palma quare victoriæ signum 98
Palma lemniscata *ib.*
Palmarum plurimarum homo *ib.*
Palmata toga 150
Paludamentum *ib.*
Pan Lyceus & ejus forma 41
Papyrus 132
Parma & Parmularius 109
Parricidii Quæsitores 164
Parricidium quid 194, 242
Pater familias aliquando laniste dero-tat 101
Pater Fiduciarius 227
Pater Patratus 56
Patibulum 190
Patres Conscripti quando primum dicti 204
Patricii qui 26
Patroni qui *ib.*
Pauscabæ quid 201
Pecuarius 163
Pecunia ablata, capta, coacta, conciliata

ta, aversa 238
Pecuniæ repetundæ *ib.*
Pecuniam occupare 239
Peditum distributio 251
Pelta quid 257
Pendere idem quod solvere 23[illegible]
Penula 152
Penulam mihi scidit 120
Perduellis, *Perduellionis* judicium 213
Pergamena à quo inventa 133
Perones calceamentum genus 154
Pessinuntia 60
Pessinuntius sacerdos 209
Petaurum 114
Phalvæ donum militare 269
Picta toga 153
Pignora, capere, condere, rapere, auferre 159
Pila paganica & trigonalis 115
Pilani Milites 254
ad *Pilum* vocare 31
Pileus in re gladiatoria quid 99
Pileus signum libertatis 31
Pileus quomodo differt à palma missione, & rude 99
Pilum quid 253, 254
Pinarii 44
Pistricum quid & unde 201
in *Pistrinum* te dedam *ib.*
Planipedes excalceati 103
Plebii qui 26
Plebiscitum 139, 207
Plumbea charta 134
Potalum boni genii 38
Poculum Charitatis *ib.*
Pœnæ, quibus in hostes devictos utebantur Romani 261, &c.
Pœnæ, quibus in suos milites utebantur 167
Poetæ lauriati 90
Pollicem convertere 101
Pollicem premere *ib.*
Pollinctores 74
Pomœrium quid 3
Pompa 82
Pompa Circensis 83
Pontus pro toga 148
Pons sublicius 62
de *Ponte* dejiciendus 15
Pontes per quos suffragia tulerint apud Romanos qui *ib.*
Pontifices unde dicti 62
Pontificia cœna *ib.*
Popæ 6
Populares 30
Popularia 17
Porcus Trojanus 216
Porta à portando 2
Portitores qui 263
Portorium, *Portarium* unde *ib.*
Postsignani 227
Postulatio, *Postulare* aliquem de hoc vel illo crimine 240
Potitii qui 43
Præcidaneæ hostiæ 65
Prætinctli qui 250
in *Prætinctu* stare vel vivere *ib.*
Præconi publico subjici 210
Prædes 262
Præfectura *ib.*
Præfectus Ærarii 177
Præfectus annonæ 176
Præfectus Prætorio 177, 178
Præfectus Urbis 168, 169
Præficæ 75
Præludium 97
Prærogativa tribus vel centuria 137
Prætexta togæ 150
Prætextata res 248
Prætextatæ 102
Prætextatus à togato differt 150
Prætor urbanus seu major 163
Prætor peregrinus seu minor *ib.*
Prætores unde 159, 178
Prætores Cerealcs 163
Prætoris fidei commissarii *ib.*
Prætores Quæsitores 164, 206
Prætoria decemviralis *ib.*
Prætorium quot significet 178
Prævaricari, calumniari, & tergiversari quomodo differunt 234
Prandium 117
Prasinæ factiones 88
Pridie Calendas 127

Prima fax 246
Prima libamina 67
Primum pilum, *Primopilus*, *Primipilus*, *Primopilatus* 253
Principes juventutis 106, 168
Principes inter milites Romanos qui 233, 250
Principia quæ 253
ergo ero post *Principia* ib.
Principium in Comitiis 210
Privatæ feriæ 129
Proconsul 144
Profesti dies 129
Profiteri apud Prætorem 211
Proletarii 141
Prologus quid sit 103
Prologus προθυτικὸς, συστατικὸς, ἀναφορικὸς 105
Pronaon 20
Promittere Vadimonium 240
Promulgatio legis 137
Pronunciare & cognoscere quomodo discrepant 10
Proœmium cœnæ 230
Propræter 17
Proquæstor 180
Proscænium 17
Proscripti qui 184
Πρόσταξις 94
Provincia quot significet & unde dicta 262
Provinciam cepisti duram ib.
Provinciæ Consulares 180
Prætoriæ
Provincias comperare ib.
sortiri
Provocatores sive probactores 100
Publicanus quis 165
Pugnatoria tela 99
Pulla toga 149
Pullarius 50
Pulpitum 17
Pulvinar idem aliquando quod templum 21
Punctum pro suffragio 132
omne tulit *Punctum* 122
Purpurea toga 150
Puteal Libonis 18
Puteus 192
Pyrgus Horatio quid 112
Pyrrhica Saltatio 108

Q

Quadrans quid 222
Quadrata legio 250
Quadruplatores 131
Quæstiones Parricidii 164
Quæstiones perpetuæ ib.
Quæstor unde 173
Quæstores Ærarii ib.
Quæstores provinciales 181
Quæstiones rerum capitalium 174
Quæstores urbani 173
Querculanus mons 6
Quincunx quid 130
Quindecim viri, sacris faciundis 58
Quinque-viri epulonum 63
Quinque-viri mensarii 177
Quintilis mensis 126
Quirinales Salii 55
Quirinalis Flamen 52
Quirinalis mons 5
Quirinus nomen Romuli 52

R

Rapax 156
Receptus canere 142
Recta cœna 221
Recuperatores 163
Reddere 67
Rem figere legem 139
Regina sacrorum 54
Regulî pro talis 111
Relegatio 185
Rem ratam habere 239
Remonius mons 9
Renunciare quid significat? 73
Renunciatio Matrimonii ib.
Repotia 228
Repotia 69
Repudium 72
Res tuas tibi habeto ib.
Retiarii qui & unde dicti? 99
Retiarii tunicati, & *Retiariorum* spongiæ ib.
Reus voti 94

Rex Romanorum 168
Rex sacrificu'us, & Rex sacrorum 53
Rhamnenses qui? 25
Rhea 60
Rignarius mons 7
Robur locus in carcere 191
Robur Ita um 192
Rogare legem 139
Rogus 76
Roma unde dicta; 3
Roma Urbs septi-collis ib.
Romana Urbs nomen incognitum 36
Romani civis descriptio 24
Romani ludi 86
Romano more pro ex animo 24
Romulum & *Rhemum* expositos lupa aluit 41
Rostra ubi fuerint, & unde dicta 9, 11
pro *Rostris* laudare defunctum 76
Rude donatus 128
Rudis apud Gladiatores quid 98

S

Sacer homo 193
Sacra per se quid signif. 70
Sacra Græca 43
Sacra haud immolata devorat 68
Sacramento & sponsione provocare, rogare, quærere, stipulari 245
Sacramento contendere, restipulari ib.
Sacramentum in jure quid? ib.
Sacramentum militare 248
Sacrarium quid? 21
Sacri ludi qui? 80
Sacrificia, & ritus *Sacrificandi* 65
Sacrilegus unde? 77
Sacro-sanctus quis dictus? 174
Sæculum quantum temporis 92
Sagum quid? 147
ad *Saga* ire 153
Saga togæ cedant, idem, quod cedant arma togæ 147
Saliares dapes 56
Salii quot & unde dicti 55
Sa'i Pa'atini, Collini, Agonales, Quirinales ibid.
Salii quales pileos gestent 58
Saltatio Pyrrhica 108
Salva res est, saltat senex 85
Sallustiani horti 9
Salutaris col'is 5
Salutaris litera 241
Samii nemo literatior 202
Samnites 100
Satisdare judicatum solvi 245
Satisdare rem ratam habere ib.
Satisdatio quid ib.
Saturni ædes cur ærarium populi 13
Saturni mons 4
Satyra quale genus carminis 103
Satyræ ib.
Scalæ Gemoniæ 197
Scena in tabulis quid 17, 104
Scena in theatro quid 17
Scena Tragica, Comica, Satyrica 185
Scena Versatilis vel ductilis 17
omnium *Scenarum* homo 105
Σκήνη unde dicta 16
Scenici ludi 81, 101
Scorpio, machinæ genus 258, 259
Scorpiones, flagella qualia 203
Scriba 164
Scriptura, vectigalis genus cur dicta 263
Scrip'uarii agri ib.
Scrobiculus 22
Scrofipita 67
Sectatores 236
Sectores 221
Secundum illum litem do 197
Secundum pilum, secundi pilus, &c. 254
Secutores gladiatores quales 99
Sella Curulis 160
Eburnea ib.
Semidei 34
Semissis 213, 229
Semones quasi Semi-homines 35
Semuncia 229
Senaculum 157
Senator ib.
Senatores minorum gentium 27
Senatores Pedarii 158

ad

in *Senatu* stare 159
ad *Senatum* referre 158
Senatus 157
Senatus Princeps 256
Senatus consultum 157
Senatus consultum de ambitu 237
Senio in talis 109
in *Senectutem* alicujus ire 158
Septa, l eus in campo Martio 112
Septem convivium, novem convivium faciunt 119
Septemviri Epulonum 63
Septicollis urbs 3
Septimius collis 8
Septunx 229
Sepulchrum 78
Sepultura i sepulta ib.
Sequestres 145
Servi addicti 31
Servorum duo genera ib.
Sestertius 208
Sexagenarii de ponte dejiciendi 133
Sextans 229
Sextilis mensis 126
Sextricium 189
Sextulæ 229
Sibylla unde dicta 58
Sibyllæ quot 63
Sibyllæ folium 58
Sibyllæ folia colligere ib.
Sibyllina oracula ib.
Sica & *Sicarius* 100
Sigma quid, & quomodo olim figuratũ 108
Signa conferre & calatis *signis* pugnare 249
Signare vota 49
Signatores 68
Silatum 117
Silicernium quid 78
Siniſtra avis 94
Siniſtrum in rebus sacris ib.
Siſtere fana 21
Siſto Jure consultis quid 241
Sitiones 75
Σχεδία instrumenta quibus Vestales ignem incendebant 64
Socii, *Socii* Latini nominis 264
Socius senatus, populiq; Rom. ib.
Sodalitia, Sodales 238
Soica 123
Solis occasus 128
Sophocles digna cothurno 206
Sordidatus unde 129
Sortibus æquatis 137
Sortitio subsortitio Judicum 250
Spectio 138
Sphinx in Pronao quid signif. 20
Spoliarium 193
Sponsalia 68
Sponsione & sacramento provocare, &c. Vid. *Sacramentum*, &c.
Sponsiones, deposita pignora 88
Sportula 121
Stativæ feriæ 129
Status in gladiatura quid 79
Stesichorus jactus 111
Stimulo fodere 190
Stimulorum supplicium 186
Stipendium, *stipendacii* 262
Stipendio confeciſſe 248
Stipendii fraudatio 265
Stipes noxiales 196
Stipulari, reſtipulari 245
Stola quid & unde 146
Stuprum 153
Stytus quot significet 135
Stylum invertere 134
Subbaſilicani apud Plautum qui 10
Subli ius pons 62
Subſcriptores 231
Subſellia 10
Subſignani 204
Subburrania 25
Succidaneæ hoſtiæ 65
Succidaxium tergum ib.
Suffragia explere 144
Suffragia legitima conficere ib.
Suffragiorum puncta non tulit ſeptem 132
Sumptuariæ leges 224
Suo vetauralia, *Solitauralia* 162
Superſtites pro teſtibus 143
Supplicatio donum militare 267
Supplicationes decernere ib.

Supplicia Romanorum 182
Supplicium more majorum 187
Supplicium ſervile 183
Surum dare 116
Suſpenſa bona 221
Sylla perpetuus Dictator 217
Syntheſis 61

T

T Litera Senatus Conſultis ſubſcripta quid. 175
T. Græcis litera abſolutionis, & quate 242
Tabellæ 133
Tabellarius ib.
Tabernariæ 102
Tabulæ accepti & expenſi 133
Tabulæ Ceratæ ib.
Tabulæ Publicæ, novæ, Auctionariæ } ib.
Tabulam figere 139
Tabularium quid & unde 13
Tæda quid 71
Talaſſio quid ſignif. ib.
Talæ 203
Talus 209
Tarentini ludi 92
Tarpeia lex de mulctis 183
Tapeia rupes 4
è *Tarpeia* rupe dejectio 197
Tarpeius mons 4
Tarſenſes qui 25
Taurilio 94, 63
Tela luſoria exercitoria 96
Templum 19
Templum Auguribus certa cœli regio 48
Tergiductores 246
Terg. verſari 135
Teſſara quid 108
Teſſera militaris, frumentaria, nummaria, hoſpitalis ib.
Teſſeram hoſpitii confregit 110
Teſſerarius ludus 108
Teſtamentum per æs & libram 228
Teſtamentum calatis comitiis 131, 228
Teſtamentum per emancipationem familiæ ib.
Teſtamentum per nexum ib.
Teſtamentum in procinctu ib.
Teſtudo quid ſignificat 256
Teſtudo militaris ib.
Θ damationis ſymbolum apud Græcos 242
Theatrum quid & unde 16
Thenſæ 82
Thraces gladiatorum genus 92
Tintinnabulorum uſus in ſuppliciis 187
Titii 232
Titulus in ſuppliciis 189
Toga unde dicta 146
Toga alba, candida, pura 148
Toga picta, purpurea, palmata 150
Toga prætexta, purpurea ib.
Toga pura quid 24
Toga triumphalis 157
Togam virilem ſumere 148
Togata mulier pro impudica 146
Togatæ fabulæ 106
Togati pro Romanis dicti 149
Tormentum quid & unde 250
Torquis, donum militare 269
Trabea 150, 248
Trabea Auguralis, Regia, Conſecrata } 151
Tragœdiæ & Comœdiæ differentiæ quædam 102
Tres ſex, aut treſteſſeræ 112
Tria nomina 32
Triarii 233, 253
ad *Triarios* ventum eſt ib.
Tribuni ærarii 174
Tribuni militum 171, 251
Tribuni plebis 174
Tribuni Rutilii, Ruſuli 172
Tribuni ſuffecti, Comitiales ib.
Tribunus Celerum 165
Tribus γενικαὶ & τοπικαὶ 24
Tribus jure vocata 137
Tribus locales quot 25, 143
Tribus prærogativa 136
Tribus Ruſticæ 144
Tribus Urbanæ ib.

Tributarii 262
Tributum quid, & quotuplex 164
Triclinium unde dictum 112
Tridens intersetiarios quid 100
Triens quid 229
Trigonalis pila 115
Triumdium 127
Tripudium 47, 49
Tripudium Solistimum 50
Triumphales arcus 26
Triumphalis vestis ib
Triumphus unde dictus. ib
Triumphus ab Ovatione quomodo differt 267, 28
Triumphus major, minor ib.
Triumphus majorem proprie significat ib
Trium-viri agro dividendo 222
Trium-viri Capitales 177, 191
Trium-viri Coloniæ deducendæ 177
Trium-viri conquirendi juvenes idonei ad arma ferenda ib.
Trium-viri Epulonum 63
Trium-viri Mensarii, Monitales, nocturni 176
Trium-viri Reip. constituendæ 115
Trium-viri Valetudinis 177
Troja 108
Trojanus ludus 58
Trophæum unde 268
Trossuli 156
Tullianum 191
Tunica pallo prior 151
Tunica laticlavia, Angusticlavia, Recta 227
Tunica supplicii genus 197
Turma 251
Turres ambulatoriæ 256
Tutela 226
Tutela Testamentaria, Legitima, Dativa, Fiduciaria, Honoraria 227
Tutores honorarii ib.
Tyro, Tyrocinium 250

N

VR. tabulis inscript, quid sig. 131
Vacationes 209
Vaderi reum 140
Vadimonium promittere ib.
Valla, Valli 157
Vallus vitem decepit, Prov. 256
ubi tu Caius, ibi ego Caia 70
Vectigal 253
Velitatim agere 259
Velites 252
Vendicio per æs & librum 235
aliud est *Ventilare*, aliud pugnare 97
Venus in tesseris quid 110
Versis armis pugnare 97
Vespæ & Vespiliones qui, & unde dicti 7
Vesper 128
Vestales Virgines 63
Vestes Romanæ 145
Veteranus 250
Vexillationes unde & quare 254
Vexillum unde ib.
Vexillum Roseum 248
Vexillum Cæruleum ib.
Vicesimari m aurum 12
Vicesimatio legionis 267
Victima unde dicta? 65
Victimam hostiare ib.
Victimarii 67
Vigiliæ 127
Viminalis mons 7
Vimineus Jupiter ib.
Vindicatio quotuplex 244
Vindicias sumunto 24
Vindicta liberare 31
Vinea quid? 256
Virgis cædi 103, 266
Virgula censoria 162
Viri-placa Dei 72
Visceratio 78
Vitis centurionum 142
ulmea cœna 121
ultimum supplicium 113
umbilicus in libris quid 136

umbræ

umbra in conviviis quis 120
unica quid 229
urgulæ 196
unus pro omnibus 240, 241
Velamen unde dictum 135
Vota nuncupare 94
Vota signare ib.
Votivus 95
Voti vel voto damnatus ib.
Votivi ludi 94
Vovere ludos vel templa ib.
Urnæ quid 97
uva 77

ut tu Dominus, ità ego Domina 7
Vultuvii pro talis ib.
uxor unde 71
uxor { usu, confarreatione, coemptione } 70

X

Ξυλοκινία 165

Z

Zona quid 152
Zonam perdere ib.
Solvere ib.

FINIS.